

And find it correctly enrolled, and have this day, at 6:30 o'clock p. m., presented same to the Governor for his approval.

PERKINS, Acting Chairman.

Committee Room,

Austin, Texas, Aug. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Free Conference Committee Substitute for Senate bill No. 3, "An Act making an appropriation for the support of the State Government for two years, beginning August 31, 1911, and ending August 31, 1913, and for other purposes, and declaring an emergency."

And find it correctly enrolled, and have this day at 6:30 o'clock p. m., presented same to the Governor for his approval.

PERKINS, Acting Chairman.

#### TWENTY-FIFTH, DAY.

Senate Chamber,

Austin, Texas,

Monday, Aug. 28, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll called, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

McNealus.

Absent—Excused.

Ratliff.

Willacy.

Prayer by the Chaplain.

Pending the reading of the Journal of Saturday, on motion of Senator Perkins, the same was dispensed with.

See Appendix for standing committee reports.

Morning call concluded.

#### SIMPLE RESOLUTION.

By Senator Collins:

Whereas, Hon. A. W. Gregg, Hon. James Young, Hon. R. L. Henry and Hon. Oscar Calloway, distinguished Congressmen from Texas, are within the Capitol, therefore be it

Resolved, That they be invited to address the Senate.

COLLINS,  
COFER.

The above resolution was read and adopted.

Senators Collins, Hume and Townsend were appointed as a committee to escort the above named gentlemen to the President's stand.

Mr. Young, being present on the Senate floor, was accompanied to the President's stand and addressed the Senate.

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Aug. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 48, A bill to be entitled "An Act to amend an Act entitled 'An Act to authorize and empower Lamar county or any political subdivision of said county by a vote of a two-thirds majority of the resident property tax payers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work; and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature, creating a special road law for Lamar county, approved March 17, 1909, and declaring an emergency,' passed at the Third Called Session of the Thirty-first Legislature, and ap-

proved August 17, 1910, by adding thereto Sections 40, 41, 42 and 43, providing a method of making up the tax rolls of Lamar county, providing for the deposit and disbursement of the funds under said Act, providing regulations for traffic on said roads, and declaring an emergency."

House bill No. 90, A bill to be entitled "An Act to create a more efficient road system for Frio county, Texas, and making the county commissioners of said county ex officio road commissioners and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for working county convicts upon the county roads of said county, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual cost of a capture and delivery of said convict against the said convict, and providing for a penalty for the escape of a county convict, and providing for the amount of compensation to be allowed the road hands for teams, plows, scrapers and wagons, and providing for the condemnation of land for public road purposes; providing for the working of delinquent poll tax payers residing in cities and towns as well as in the county on the road, and relieving them of the performance of said work by the payment of the sum of three dollars; providing for the ages of male persons liable to serve as overseers and to work on the public roads of the county; providing for a special road and bridge tax to be levied for Frio county; making this law cumulative of the general road laws and in case of conflict this Act to govern as to Frio county, and to repeal the special road law, Chapter 19, Acts of 1901, as to Frio county, and declaring an emergency."

Senate bill No. 41, A bill to be entitled "An Act to amend Article 5, Section 1, of the charter of the city of Dallas, and providing for the purchase by the Board of Education of said city of books, text-books and supplies, used in said city schools in all grades up to and including the seventh grade, and for the furnishing of such books so purchased for the free use of the pupils in such grades."

House bill No. 75, A bill to be entitled "An Act to amend Section 4, of Chapter 110, of the General Laws

of the State of Texas, passed by the Thirty-second Legislature at its Regular Session, said Chapter 110 entitled 'An Act to prohibit the taking, catching, killing or destroying any fish in the fresh water streams, lakes, bayous, ponds or pools within this State, by means of dynamite, giant powder or other explosives, or by means of poisoning, liming, muddying, draining or by the use of traps, nets, seines (except minnow seines for catching bait), or by any other means except the ordinary hook and line and trot line, prescribing penalties for its violation, exempting certain counties from the provisions of Section 3 of this Act, repealing Chapter 75 of the General Laws of the Regular Session of the Thirtieth Legislature, and Chapter 49 of the General Laws of the Thirty-first Legislature, and all other laws in conflict with the same, and declaring an emergency,' by taking Fayette county out of the exemption included in said Section 4."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills:

House bill No. 75, referred to Committee on Judiciary No. 2.

House bill No. 90, referred to Committee on Roads, Bridges and Ferries.

#### SIMPLE RESOLUTION.

By Senator Terrell of McLennan:

Whereas, It has been charged by reputable citizens of this State, that in many instances, applications for permit to apply for retail liquor license, are permitted to remain on file in the Comptroller's Department of Texas, an unusual and unnecessary length of time before being passed upon by said department, and

Whereas, In some instances it has been charged that after having had applications remain on file for what appears an unreasonable length of time, certain citizens of this State have been compelled to contribute money to certain law firms before their applications would be passed upon by the Comptroller's Department of the State of Texas, and

Whereas, It is the duty of the Comptroller of Texas to issue all per-

mits to apply for retail liquor license when in proper form; therefore be it

Resolved, by the Senate that a Committee composed of three Senators be appointed by the Lieutenant Governor of this State to examine the correspondence had between any and all members of this body and certain citizens of the State, relative to the delay in the issuance of permits for retail liquor license by the Comptroller, with a view to reporting to this body what action, if any, should be taken by the Senate of Texas to ascertain whether or not any employe in the Comptroller's Department is now, or has been during the present year, interested in or connected with any law firm in this State that has acted for any party in securing permits to apply for retail liquor license. Said committee, when appointed, to make its report to the Senate at its earliest convenience.

Senator Townsend offered the following amendment to the resolution, which was read and adopted:

Amend the resolution by striking out the provision relating to the appointment of said committee and insert in lieu thereof a provision that said committee of three Senators shall be elected by the Senate.

Senator Lattimore offered the following amendment to the resolution, which was read and adopted:

Amend the resolution by adding after the word "State," in line 19 of the resolution, the following: "And between the Comptroller of this State and any persons."

The resolution was then adopted, as amended.

#### COMMITTEE—APPOINTMENT OF.

Senator Townsend offered the following motion:

I move that Senators Lattimore, Terrell of McLennan, and Collins be elected upon said committee, as provided for in the resolution offered by the Senator from McLennan.

The above motion was read and adopted.

#### SIMPLE RESOLUTION.

By Senator Collins:

Whereas, It has always been a principle of the Democratic party that the people be allowed the greatest possible freedom in participating in the primaries and political conventions, and

Whereas, there is a growing demand for popular government in which the voters shall be allowed to express themselves directly in the choice of all candidates for public office, and for delegates to political conventions, and members of the executive committees of political parties; therefore, be it

Resolved, 1. That it is the sense of the Senate of the Thirty-second Legislature that we favor a Democratic primary election for the purpose of ascertaining the choice of the Democratic voters of this State for President and Vice President, and for a member of the National Democratic Executive Committee.

2. That the Democratic Executive Committee of the State of Texas be requested to order a primary election in the year 1912, on the date that primary conventions are held, for the purpose of selecting delegates to the State National Convention, and that the names of all Democratic candidates for President and Vice President of the United States, and all candidates for members of the Democratic National Executive Committee be placed upon the special ballot in said primary election, for the purpose of ascertaining the choice of the Democratic voters of the State for these officers.

3. That we request the Democratic voters of the State to petition the State Democratic Executive Committee, under the provisions of Section No. 140 of the Terrell Election Law, to call said Democratic primary election, for the purpose of allowing the voters to express their choice for President and Vice President and a member of the National Executive Committee.

4. That the Chief Clerk of the Senate be instructed to furnish the Hon. J. Sheb Williams, Chairman of the State Democratic Executive Committee, with a copy of this resolution, to be by him submitted to the State Democratic Executive Committee at its first meeting.

COLLINS.  
MAYFIELD.

The above resolution was read, and Senator Watson moved that the resolution be referred to the Committee on Privileges and Elections.

Senator Collins moved to table the motion to refer the resolution to the committee, which motion to table was adopted by the following vote:

## Yeas—16.

Bryan.	Meachum.
Carter.	Paulus.
Cofer.	Perkins.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Warren.

## Nays—10.

Adams.	Murray.
Astin.	Peeler.
Hudspeth.	Terrell, McLennan.
Hume.	Watson.
Kauffman.	Weinert.

## Present—Not Voting.

Real.

## Absent.

McNealus. Ward.

## Absent—Excused.

Ratliff. Willacy.

Senator Hudspeth moved the previous question on the resolution, which motion was duly seconded. The previous question was ordered by the following vote:

## Yeas—17.

Adams.	Paulus.
Astin.	Peeler.
Carter.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

## Nays—11.

Bryan.	Perkins.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Warren.
Lattimore.	

## Absent.

McNealus.

## Absent—Excused.

Ratliff. Willacy.

The resolution was then adopted by the following vote:

## Yeas—19.

Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Mayfield.	Warren.
Meachum.	Weinert.
Paulus.	

## Nays—7.

Adams.	Murray.
Astin.	Terrell, McLennan.
Hudspeth.	Watson.
Hume.	

## Present—Not Voting.

Lattimore. Real.

## Absent.

McNealus.

## Absent—Excused.

Ratliff. Willacy.

Morning call concluded.

## HOUSE BILL NO. 20.

Senator Hudspeth called for, as a privilege matter, and the Chair laid before the Senate on third reading.

House bill No. 20, A bill to be entitled An Act to apportion the State of Texas into Congressional districts; to provide for two additional districts to the number now provided for, and repealing all laws in conflict herewith, and declaring an emergency.

Senator Hudspeth moved the previous question on the final passage of the bill, which, being duly seconded, was so ordered by the following vote:

## Yeas—19.

Adams.	Peeler.
Astin.	Perkins.
Carter.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Kauffman.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

## Nays—8.

Bryan.	Lattimore.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.

Absent.  
McNealus.  
Absent—Excused.  
Ratliff.

## PAIRED.

Senator Greer (present), who would vote "nay," with Senator Willacy (absent), who would "aye."

Senator Lattimore called for the reading of the bill in full.

Senator Vaughan here made a point of order that a candidate for Congress was not entitled to vote on this bill. The Chair (Lieutenant Governor Davidson) overruled the point of order.

Senator Vaughan appealed from the ruling of the Chair, which motion was seconded.

Senator Adams was called to the chair and presided.

Question—Shall the Chair be sustained?

Pending discussion by Senator Vaughan, on the motion for the appeal.

Senator Hudspeth made the point of order that Senator Vaughan was speaking for delay.

The Chair (Senator Adams) directed the roll called on the appeal from the ruling of the Chair.

The roll was called.

The Senate sustained the Chair by the following vote:

## Yeas—14.

Adams.	Paulus.
Astin.	Perkins.
Hudspeth.	Real.
Hume.	Sturgeon.
Kauffman.	Terrell, McLennan.
Meachum.	Watson.
Murray.	Weinert.

## Nays—8.

Bryan.	Johnson.
Carter.	Lattimore.
Cofer.	Mayfield.
Collins.	Townsend.

## Present—Not Voting.

Greer.	Vaughan.
Terrell, Wise.	Ward.

## Absent.

McNealus.	Warren.
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## Absent—Excused.

Willacy.

## PAIRED.

Senator Peeler (present), who would vote "aye," with Senator Ratliff (absent), who would vote "nay."

(Lieutenant Governor Davidson then resumed the Chair.)

Pending discussion as to the proper question before the Senate, the Chair (Lieutenant Governor Davidson) held that the proper question was on the point of order by Senator Hudspeth, and the Chair called Senator Adams to the chair.

The question then recurred on the point of order by Senator Hudspeth, which was restated as follows:

"Senator Hudspeth made the point of order that Senator Vaughan was speaking for delay, under Rule No. 91," which point of order was seconded.

Pending discussion by Senator Terrell of Wise to a question of personal privilege.

Senator Hudspeth made the point of order that Senator Terrell of Wise was speaking for delay, under Rule No. 91, which was seconded by ten Senators.

The Chair recognized the point of order and directed the roll called.

Question—Shall the point of order be now decided?

The roll was called, the following being the vote:

## Yeas—14.

Adams.	Perkins.
Astin.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Kauffman.	Ward.
Murray.	Watson.
Paulus.	Weinert.

## Nays—7.

Carter.	Townsend.
Cofer.	Vaughan.
Collins.	Warren.
Johnson.	

## Present—Not Voting.

Lattimore.	Terrell, Wise.
Mayfield.	

## Absent.

Bryan.	McNealus.
Greer.	Meachum.

## Absent—Excused.

Willacy.

## PAIRED.

Senator Peeler (present), who would vote "aye," with Senator Ratliff (absent), who would vote "nay."

The Chair, Senator Adams, then directed the roll called on the final passage of House bill No. 20. The bill was finally passed by the following vote:

Yeas—16.

Adams.	Murray.
Astin.	Paulus.
Carter.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Nays—8.

Bryan.	Perkins.
Cofer.	Townsend.
Collins.	Vaughan.
Johnson.	Warren.

Present—Not Voting.

Lattimore. Terrell, Wise.

Absent.

Greer. McNealus.

Absent—Excused.

Willacy.

PAIRED.

Senator Peeler (present), who would vote "aye," with Senator Ratliff (absent), who would vote "nay."

Senator Hudspeth moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed by the following vote:

Yeas—16.

Adams.	Murray.
Astin.	Paulus.
Carter.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Nays—7.

Cofer.	Johnson.
Collins.	Perkins.

Townsend.  
Vaughan.

Warren.

Present—Not Voting.

Lattimore.

Terrell, Wise.

Absent.

Bryan.  
Greer.

McNealus.

Absent—Excused.

Willacy.

PAIRED.

Senator Peeler (present), who would vote "yea," with Senator Ratliff (absent), who would vote "nay."

(Lieutenant Governor Davidson in the chair.)

## SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Aug. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 58, A bill to be entitled "An Act to authorize and empower Robertson county or any political subdivision of said county by a vote of a majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision of such county, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## HOUSE BILL NO. 5—CONFERENCE COMMITTEE REPORT ON.

By Senator Carter:

Austin, Texas, Aug. 28, 1911.

Hon. A. B. Davidson, President of the Senate:

Hon. Sam Rayburn, Speaker of the House of Representatives.

Sirs: Your conference committee, appointed to consider the difference between the two Houses on House bill No. 5, have had the same under consideration and beg leave to report the following:

1. That the Senate recede from Amendment No. 1, by Senator Carter, and insert in lieu thereof the following:

Amend House bill No. 5 by striking out all of lines 16 and 17, page 11, and insert the following:

No. 3. The Third District, composed of the counties of Bowie, Cass and Marion, and shall elect one Representative.

Strike out all of lines 20 and 21, page 11, and insert the following:

No. 5. The Fifth District, composed of the county of Panola, and shall elect one Representative.

Strike out House bill No. 5, page 11, lines 22 and 23, and insert the following:

No. 6. The Sixth District, composed of the county of Rusk, and shall elect one Representative.

Insert as new section, No. 126, as follows:

The One Hundred and Twenty-sixth District shall be composed of the counties of Harrison and Gregg, and shall elect one Representative.

2. That the Senate recede from Amendment No. 2, offered by Senator Cofer.

3. That the House concur in Senate Amendment No. 3, by Senator Paulus.

4. That the House concur in the amendment No. 4, offered by Senators Weinert and Real. That the following amendment be adopted to the bill:

No. 127. The One Hundred and Twenty-seventh District shall be composed of the counties of Burleson, Lee, Fayette, Waller, Fort Bend, Austin and Colorado, and shall elect one Representative. Add after line 27, page 12, of the bill as printed by the Senate, the following: "In the One hundred and Twenty-sixth District, Harrison county. In the One Hundred and Twenty-seventh District, Fayette county, all of which is respectfully submitted.

CARTER,  
VAUGHAN,  
STURGEON,  
WEINERT,  
HUDSPETH,

On the part of the Senate.

PHARR,  
ROWELL,  
KENNEDY,  
HILL,

On the part of the House.

The above report was read and adopted by the following vote:

Yeas—17.

Bryan.	Real.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Weinert.
Perkins.	

Nays—10.

Adams.	Meachum.
Astin.	Murray.
Hudspeth.	Paulus.
Hume.	Terrell, McLennan.
Kauffman.	Watson.

Absent.

McNealus.

Absent—Excused.

Willacy.

PAIRED.

Senator Peeler (present), who would vote "nay," with Senator Sattliff (absent), who would vote "yea."

Senator Carter moved to reconsider the vote by which the Conference Committee report was adopted, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 77.

Senator Collins called up, by unanimous consent, and the Chair laid before the Senate on second reading,

House bill No. 77, A bill to be entitled "An Act to create a more efficient road system for Liberty county, Texas, and making county commissioners of said county ex officio road commissioners."

The committee report was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—28.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

McNealus.

Absent—Excused.

Ratliff. Willacy.

The bill was read third time and passed by the following vote:

## Yeas—28.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

McNealus.

Absent—Excused.

Ratliff. Willacy.

Senator Collins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 90.

Senator Murray called up by unanimous consent, House bill No. 90, and

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended, and House bill No. 90

29—S.

placed on its second reading by the following vote:

## Yeas—26.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
Meachum.	Weinert.

Absent.

Johnson. Watson.

McNealus.

Absent—Excused.

Ratliff. Willacy.

On motion of Senator Murray, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

## Yeas—27.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Cofer. McNealus.

Absent—Excused.

Ratliff. Willacy.

The committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate on second reading,

House bill No. 90, "An Act to create a more efficient road system



for Frio county, Texas, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

**Yeas—26.**

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.

**Absent.**

Cofer.	McNealus.
Hume.	

**Absent—Excused.**

Ratliff.	Willacy.
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The bill was read third time, and passed by the following vote:

**Yeas—25.**

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Real.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

**Absent.**

Cofer.	McNealus.
Hume.	Sturgeon.

**Absent—Excused.**

Ratliff.	Willacy.
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Senator Murray moved to reconsider the vote by which the bill was

passed, and lay that motion on the table.

The motion to table prevailed.

**HOUSE BILL NO. 75.**

Senator Paulus called up, by unanimous consent, House bill No. 75, and

On motion of Senator Paulus, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 75 placed on its second reading by the following vote:

**Yeas—27.**

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

**Absent.**

Carter.	McNealus.
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**Absent—Excused.**

Ratliff.	Willacy.
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On motion of Senator Paulus, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

**Yeas—27.**

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Cofer. McNealus.

Absent—Excused.

Ratliff. Willacy.

The committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 75, "An Act to amend Section 4 of Chapter 110 of the General Laws of the State of Texas, passed by the Thirty-second Legislature at its Regular Session, said chapter entitled 'An Act to prohibit taking, catching, killing, or destroying any fish in the fresh water streams,' etc."

Bill read second time, and passed to a third reading.

On motion of Senator Paulus, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Cofer. McNealus.

Absent—Excused.

Ratliff. Willacy.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Greer.
Astin.	Hudspeth.
Bryan.	Hume.
Carter.	Johnson.
Collins.	Kauffman.

Lattimore.	Sturgeon.
Mayfield.	Terrell, McLennan.
Meachum.	Townsend.
Murray.	Vaughan.
Paulus.	Ward.
Peeler.	Warren.
Perkins.	Watson.
Real.	Weinert.

Absent.

Cofer. Terrell, Wise.

Absent—Excused.

McNealus. Willacy.

Ratliff.

Senator Paulus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 58—HOUSE AMENDMENTS CONCURRED IN.

Senator Astin called up, as a privilege matter,

Senate bill No. 58, A bill to be entitled "An Act to authorize and empower Robertson county, or any political subdivision of said county, by a vote of a majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision of such county, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes and prescribing ways and means of conducting and supervising said work," with the following House amendments:

Amend Senate bill No. 58, so as to make it read "two-thirds majority," where it now reads "majority."

The amendment was read and concurred in by the following vote:

Yeas—25.

Adams.	Hudspeth.
Astin.	Hume.
Bryan.	Johnson.
Carter.	Kauffman.
Collins.	Lattimore.
Greer.	Mayfield.

Meachum. Townsend.  
Murray. Vaughan.  
Paulus. Ward.  
Peeler. Warren.  
Perkins. Watson.  
Sturgeon. Weinert.  
Terrell, McLennan.

Absent.

Cofer. Real.  
McNealus. Terrell, Wise.

Absent—Excused.

Ratliff. Willacy.

#### HOUSE BILL NO. 81.

Senator Meachum called up, by unanimous consent, and the Chair laid before the Senate, on second reading,

House bill No. 81, A bill to be entitled "An Act to create a more efficient road system for Madison county, Texas, and making the commissioners of said county ex officio road commissioners," etc.

The committee report was adopted.

Senator Meachum, by request, offered the following amendment, which was read and adopted:

Amend House bill No. 81, by striking out of Section 21, at the end thereof, the following words: "And that all special road laws in and for Madison county, Texas, be, and the same are hereby repealed," and by adding at the end of Section 22, the following: "That all other special road laws in and for Madison county, Texas, now in force, be, and the same are hereby repealed."

Bill read second time, and passed to a third reading.

On motion of Senator Meachum the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams. Mayfield.  
Astin. Meachum.  
Bryan. Murray.  
Carter. Paulus.  
Collins. Peeler.  
Greer. Perkins.  
Hudspeth. Real.  
Hume. Sturgeon.  
Johnson. Terrell, McLennan.  
Kauffman. Townsend.  
Lattimore. Vaughan.

Ward. Weinert.  
Warren.

Absent.

Cofer. Terrell, Wise.  
McNealus. Watson.

Absent—Excused.

Ratliff. Willacy.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams. Paulus.  
Astin. Peeler.  
Bryan. Perkins.  
Carter. Real.  
Collins. Sturgeon.  
Greer. Terrell, McLennan.  
Hudspeth. Terrell, Wise.  
Hume. Townsend.  
Johnson. Vaughan.  
Kauffman. Ward.  
Lattimore. Warren.  
Mayfield. Watson.  
Meachum. Weinert.  
Murray.

Absent.

Cofer. McNealus.

Absent—Excused.

Ratliff. Willacy.

Senator Meachum moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### SPECIAL COMMITTEE REPORT.

By Senator Vaughan:

Austin, Texas, Aug. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Senate Investigating Committee would respectfully beg leave to report that in the performance of their duties they have taken the following evidence relating to the matters your committee was charged to investigate:

Your committee has, up to this time, not had the time to make report of its findings upon this evidence, nor of its recommendations in regard thereto, and would respectfully ask that it be granted until the first day of October, 1911, in which to prepare and file this report of its

findings and recommendations, and that your committee be allowed to file such report in the office of the Secretary of State on or before the first day of October, 1911.

VAUGHAN, Chairman.

(Senator Hudspeth in the Chair.)

Senator Vaughan moved that the testimony provided for in the above report be not printed in the Journal. The motion prevailed.

#### HOUSE BILL NO. 89.

Senator Terrell of McLennan called up, by unanimous consent, and the Chair laid before the Senate, on second reading,

House bill No. 89, A bill to be entitled "An Act to amend Section 21g, of Chapter 91, Special Laws, page 645 of the Regular Session of the Thirty-first Legislature, approved March 24, 1911, entitled 'An Act to amend an Act entitled an Act to incorporate the city of Waco and to define its boundaries and powers, passed by the Twenty-first Legislature and approved February 19, 1889, said Act to be amended by amending Section 1 of said Act as amended by the Act of the Twenty-sixth Legislature, Chapter 13, page 178, Section 1, Special Laws of Texas, 1899, as amended by an Act of the Twenty-eighth Legislature, Sections 1 and 2, Chapter 30, page 238, Special Laws of Texas, 1903, as amended by an Act of the Twenty-ninth Legislature, Section 1, Chapter 20, pages 200 and 203, inclusive, Special Laws of Texas, 1905, as amended by another Act of the Twenty-ninth Legislature, Section 2, pages 340-341, Chapter 45, Special Laws of Texas, 1905, by defining the boundaries of the city of Waco, and including additional territory within the corporate limits of the said city, regulating taxes on additional property taken in, and further amending said Act of 1889, as amended by Section 6 of an Act passed by the Twenty-ninth Legislature, Chapter 25, Special Laws of Texas, 1905, pages 216-219, inclusive, approved March 30, 1905, which said Section 6 of said Act of 1905, amends said Act of 1889, by adding thereto Section 21g, which said Section 6, so including Section 21, is here amended, as pertaining to further and cumulative authority to regulate the sale of intoxicating liquors in said city, and further amend-

ing said Act of 1889 by adding thereto, granting additional authority with reference to expending public funds, and declaring an emergency,' so as to authorize and empower the Board of Commissioners of the city of Waco to fix the hours for the opening and closing of saloons, or any beer saloon, grog shop, tippling house, or place where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication are sold at retail within the corporate limits of the city of Waco, and by adding Section 21gg, providing that any ordinance passed under the provisions of this Act shall not take effect until approved by a majority of the qualified voters voting upon said proposition at any regular or special election of the city of Waco, and repealing all laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

Bill read second time, passed to a third reading.

On motion of Senator Terrell of McLennan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

#### Yeas—26.

Adams.	Paulus.
Astin.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.

#### Absent.

Bryan.	McNealus.
Greer.	

#### Absent—Excused.

Ratliff.	Willacy.
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The bill was read third time, and passed by the following vote:

#### Yeas—26.

Adams.	Carter.
Astin.	Cofer.
Bryan.	Collins.

Hudspeth.	Real.
Hume.	Sturgeon.
Johnson.	Terrell, McLennan
Kauffman.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
Meachum.	Ward.
Paulus.	Warren.
Peeler.	Watson.
Perkins.	Weinert.

Absent.

Greer.	Murray.
McNealus.	

Absent—Excused.

Ratliff.	Willacy.
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Senator Terrell of McLennan, moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 51.

Senator Kauffman called up by unanimous consent, and the Chair laid before the Senate on third reading.

Senate bill No. 51, A bill to be entitled "An Act to empower the county commissioners court of Galveston county to re-divide Bolivar Peninsula into public free school districts of less than nine square miles area, and to divide the present Public Free School District No. 9 into not more than two public free school districts, and declaring an emergency."

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Paulus.
Astin.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Bryan.	McNealus.
Greer.	

Absent—Excused.

Willacy.	Ratliff.
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Senator Kauffman moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 34.

Senator Ward moved that the regular order of business (Senate bill No. 15) be suspended, and that the Senate take up, out of its order, House bill No. 34, which motion prevailed by the following vote:

Yeas—20.

Adams.	Peeler.
Astin.	Perkins.
Carter.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Johnson.	Vaughan.
Kauffman.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.

Nays—4.

Cofer.	Terrell, Wise.
Collins.	Townsend.

Present—Not Voting.

Lattimore.

Absent.

Bryan.	McNealus.
Greer.	Paulus.

Absent—Excused.

Ratliff.	Willacy.
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The Chair laid before the Senate, on third reading.

House bill No. 34, A bill to be entitled "An Act to create an additional criminal district court for the county of Dallas, and to prescribe the jurisdiction thereof, to fix the time for holding the terms thereof, to provide for the appointment and election of a judge thereof, and to provide for a sheriff, a clerk and attorney thereof, to limit and conform thereto jurisdiction of the criminal district court of Dallas, to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time, and passed by the following vote:

Yeas—15.

Adams.	Real.
Astin.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Ward.
Meachum.	Warren.
Murray.	Watson.
Peeler.	Weinert.
Perkins.	

Nays—6.

Carter.	Johnson.
Cofer.	Mayfield.
Collins.	Townsend.

Absent.

Bryan.	McNealus.
Greer.	Paulus.
Kauffman.	Terrell, Wise.
Lattimore.	Vaughan.

Absent—Excused.

Ratliff.	Willacy.
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Senator Ward moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 55.

Senator Warren called up by unanimous consent and the Chair laid before the Senate on second reading,

House bill No. 55, A bill to be entitled "An Act to authorize and empower Navarro county or any political subdivision of said county, by a vote of two-thirds majority of the resident property tax payers, qualified voters of such county or political subdivision voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and providing a penalty for the violating of the provisions hereof."

The committee report was adopted. Bill read second time, and passed to a third reading.

On motion of Senator Warren, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Peeler.
Astin.	Perkins.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Hudspeth.	Townsend.
Hume.	Ward.
Johnson.	Warren.
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Bryan.	McNealus.
Greer.	Paulus.
Lattimore.	Terrell, Wise.
Mayfield.	Vaughan.

Absent—Excused.

Ratliff.	Willacy.
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The bill was read third time, and roll call developed no quorum voting, as follows:

Yeas—20.

Adams.	Peeler.
Astin.	Perkins.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Hudspeth.	Townsend.
Hume.	Ward.
Johnson.	Warren.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Bryan.	McNealus.
Greer.	Paulus.
Kauffman.	Terrell, Wise.
Lattimore.	Vaughan.
Mayfield.	

Absent—Excused.

Ratliff.	Willacy.
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On motion of Senator Meachum, the Senate, at 1:31 o'clock p. m.,

was at ease until 3:30 p. m. today.

At 3:30 o'clock p. m. the Senate was called to order by Lieutenant Governor Davidson.

#### HOUSE BILL NO. 55.

Action recurred on the pending bill, House bill No. 55, the action being on the final passage of the bill.

The roll call developed no quorum present, the following being the vote:

#### Yeas—20.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Real.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Terrell, McLennan.
Johnson.	Townsend.
Mayfield.	Vaughan.
Murray.	Warren.
Paulus.	Weinert.

#### Absent.

Greer.	McNealus.
Hudspeth.	Meachum.
Hume.	Ward.
Kauffman.	Watson.
Lattimore.	

#### Absent—Excused.

Ratliff.	Willacy.
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There being no quorum, Senator Warren moved a call of the Senate for the purpose of securing a quorum. The call was seconded.

The roll was called, the following answering to their names:

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Real.
Carter.	Sturgeon.
Cofer.	Terrell, McLennan.
Collins.	Terrell, Wise.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

#### Absent.

Hume.	Lattimore.
Kauffman.	McNealus.

#### Absent—Excused.

Ratliff.	Willacy.
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House bill No. 55 was then finally passed by the following vote:

#### Yeas—25.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Real.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Terrell, McLennan.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

#### Absent.

Hume.	Lattimore.
Kauffman.	McNealus.

#### Absent—Excused.

Ratliff.	Willacy.
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Senator Warren moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### THIRD HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Aug. 28, 1911.  
Hon. A. B. Davidson, President of  
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 87, A bill to be entitled "An Act to amend Section 5, of Chapter 172, of the General Laws of the State of Texas, passed by the Thirtieth Legislature (1907) at its Regular Session, approved April 24, 1907, providing for the sale of lands situated upon Mustang Island; amending said section so as to provide and direct the disposition of the proceeds of the sales of such lands heretofore or hereafter made, and declaring an emergency."

Also adopted the Conference Committee report on House bill No. 5.

Respectfully,

**BOB BARKER,**

Chief Clerk, House of Representatives.

#### BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its ap-

tion had been read, the following House bill:

House bill No. 87, referred to Committee on Public Lands and Land Office.

#### HOUSE BILL NO. 58.

Senator Adams, for Senator Hudspeth, called up by unanimous consent, and the Chair laid before the Senate on second reading,

House bill No. 58, A bill to be entitled "An Act to create the Murphy Independent School District; to provide for the election of trustees, for the raising of revenue, issuing bonds, building and maintaining school houses, and declaring an emergency."

The committee report was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Adams, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

#### Yeas—23.

Adams.	Peeler.
Astin.	Real.
Bryan.	Sturgeon.
Carter.	Terrell, McLennan.
Collins.	Terrell, Wise.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

#### Absent.

Cofer.	Lattimore.
Hume.	McNealus.
Kauffman.	Perkins.

#### Absent—Excused.

Ratliff.	Willacy.
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The bill was read third time and passed by the following vote:

#### Yeas—21.

Adams.	Johnson.
Astin.	Mayfield.
Bryan.	Meachum.
Carter.	Paulus.
Greer.	Peeler.
Hudspeth.	Real.

Sturgeon.	Ward.
Terrell, McLennan.	Warren.
Terrell, Wise.	Watson.
Townsend.	Weinert.
Vaughan.	

#### Absent.

Cofer.	Lattimore.
Collins.	McNealus.
Hume.	Murray.
Kauffman.	Perkins.

#### Absent—Excused.

Ratliff.	Willacy.
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Senator Adams moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 66.

Senator Hudspeth called up by unanimous consent, and the Chair laid before the Senate on second reading,

House bill No. 66, A bill to be entitled "An Act to amend Section 18 of the Special Act of the Thirty-first Legislature of the State of Texas, approved February 1, 1909, creating the Mertzon Independent School District in Irion county, Texas, etc."

The committee report was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

#### Yeas—21.

Adams.	Perkins.
Bryan.	Real.
Carter.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Mayfield.	Ward.
Meachum.	Warren.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	

#### Nays—1.

Astin.

#### Absent.

Cofer.	Lattimore.
Collins.	McNealus.
Hume.	Terrell, McLennan.
Kauffman.	



## Absent—Excused.

Ratliff.

Willacy.

The bill was read third time and passed by the following vote:

Yeas—24.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Real.
Carter.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Mayfield.	Ward.
Meachum.	Warren.
Murray.	Watson.
Paulus.	Weinert.

## Absent.

Cofer.	Lattimore.
Collins.	McNealus.
Hume.	

## Absent—Excused.

Ratliff. Willacy.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 40.

Senator Meachum called up, by unanimous consent, and the Chair laid before the Senate on second reading,

House bill No. 40, A bill to be entitled "An Act to amend Section 6 of Chapter 3 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-second Legislature, and approved February 2, 1911, relative to a system of a State, county and city depositories for State, county and city funds, and defining the duties of the State Treasurer as to the acceptance of county, municipal, independent school district, common school district, and road improvement district bonds as collateral security for deposits made in the State depositories, repealing all laws in conflict therewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Real.
Carter.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Johnson.	Townsend.
Kauffman.	Vaughan.
Mayfield.	Ward.
Meachum.	Warren.
Murray.	Watson.
Paulus.	Weinert.

## Present—Not Voting.

Terrell, Wise.

## Absent.

Cofer.	Hume.
Collins.	Lattimore.
Greer.	McNealus.

## Absent—Excused.

Ratliff. Willacy.

The bill was read third time and passed by the following vote:

Yeas—24.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Real.
Carter.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Mayfield.	Ward.
Meachum.	Warren.
Murray.	Watson.
Paulus.	Weinert.

## Absent.

Cofer.	Lattimore.
Collins.	McNealus.
Hume.	

## Absent—Excused.

Ratliff. Willacy.

Senator Meachum moved to reconsider the vote by which the bill was

passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 26.

Senator Mayfield called up, by unanimous consent, and the Chair laid before the Senate, on second reading,

Senate bill No. 26, A bill to be entitled "An Act for the prevention of cruelty to animals; for the prevention of impounding same without food or water; providing for the sanitary and humane treatment of fowls or other birds; prescribing penalties; providing that agents and officers of the State Humane Society may make arrests and may take charge of neglected, abandoned or cruelly treated animals, and destroy same under certain circumstances, and declaring an emergency."

The committee report was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Mayfield, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

#### Yeas—25.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Real.
Carter.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

#### Absent.

Cofer.	Lattimore.
Hume.	McNealus.

#### Absent—Excused.

Ratliff.	Willacy.
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The bill was read third time and passed.

Senator Mayfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 76.

Senator Weinert asked unanimous consent to call up House bill No. 76, and there was objection.

Senator Perkins called up, by unanimous consent, and the Chair laid before the Senate, on second reading,

House bill No. 76, A bill to be entitled "An Act to amend subdivision 8 of Section 1 of Chapter 120 of the Acts of the Regular Session of the Thirty-second Legislature, dividing the State into Supreme Judicial Districts, and organizing Courts of Civil Appeals therein, and prescribing the boundaries of such districts so as to include Culberson county in the list of counties composing the Eighth Supreme Judicial District, as defined in said Chapter 120, repealing all laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

#### Yeas—25.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Real.
Carter.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

#### Absent.

Cofer.	Lattimore.
Hume.	McNealus.

#### Absent—Excused.

Ratliff.	Willacy.
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The bill was read third time, and passed by the following vote:

#### Yeas—25.

Adams.	Carter.
Astin.	Collins.
Bryan.	Greer.

Hudspeth.	Sturgeon.
Johnson.	Terrell, McLennan.
Kauffman.	Terrell, Wise.
Mayfield.	Townsend.
Meachum.	Vaughan.
Murray.	Ward.
Paulus.	Warren.
Peeler.	Weinert.
Perkins.	Watson.
Real.	

Absent.

Cofer.	Lattimore.
Hume.	McNealus.

Absent—Excused.

Ratliff.	Willacy.
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Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 70.

Senator Astin called up, by unanimous consent, and the Chair laid before the Senate, on second reading,

Senate bill No. 70, A bill to be entitled "An Act to increase the limits of the Bremond Independent School District, and declaring an emergency."

The committee report was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Astin, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Peeler.
Astin.	Real.
Bryan.	Sturgeon.
Carter.	Terrell, McLennan.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Absent.

Cofer.	Lattimore.
Hudspeth.	McNealus.
Hume.	Perkins.

Absent—Excused.

Ratliff.

Willacy.

The bill was read third time, and passed by the following vote:

Yeas—23.

Astin.	Peeler.
Adams.	Real.
Bryan.	Sturgeon.
Carter.	Terrell, McLennan.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Absent.

Cofer.	Lattimore.
Hudspeth.	McNealus.
Hume.	Perkins.

Absent—Excused.

Ratliff.

Willacy.

Senator Astin moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 28.

Senator Terrell of McLennan, called up from the table, and the Chair laid before the Senate, on second reading,

Senate bill No. 28, A bill to be entitled "An Act to amend Chapter Seven (7) of the General Laws of the State of Texas, passed by the First Called Session of the Thirty-first Legislature, same being entitled 'An Act to authorize any county, or political subdivision, or other defined district of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of such county or political subdivision, or defined district of the county, to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county, or political subdivision, or defined district thereof; and to levy and collect taxes to pay the interest on said bonds and to provide a sinking fund for the redemption thereof for the purpose of

constructing, maintaining and operating macadamized, gravel and paved roads and turnpikes, or in aid thereof, creating the office of road superintendent, providing that any county operating under a special road law may take advantage of any of the provisions of this Act,' by adding thereto Section 5a, authorizing the issuance of bonds by the entire county by a majority vote, and declaring an emergency."

(Senator Meachum in the chair.)

The committee report was adopted. Bill read second time, and ordered engrossed.

On motion of Senator Terrell of McLennan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Real.
Hudspeth.	Terrell, McLennan.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Nays—4.

Carter.	Sturgeon.
Collins.	Terrell, Wise.

Present—Not Voting.

Greer.

Absent.

Cofer.	McNealus.
Lattimore.	

Absent—Excused.

Ratliff.	Willacy.
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The bill was read third time, and passed by the following vote:

Yeas—15.

Adams.	Kauffman.
Astin.	Meachum.
Hudspeth.	Peeler.
Hume.	Perkins.
Johnson.	Real.

Terrell, McLennan.	Warren.
Townsend.	Watson.
Ward.	

Nays—9.

Carter.	Paulus.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Mayfield.	Weinert.
Murray.	

Present—Not Voting.

Vaughan.

Absent.

Bryan.	Lattimore.
Cofer.	McNealus.

Absent—Excused.

Ratliff.	Willacy.
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Senator Terrell of McLennan, moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Vaughan:

Resolved by the Senate, That the resolutions providing for and all proceedings of the Senate relating to the Senate Investigating Committee and the proceedings had and evidence taken before said committee be indexed and printed in a separate volume, as Senate Journal No. 2.

The above resolution was read and adopted.

#### SENATE BILL NO. 24.

Senator Hudspeth called up by unanimous consent, and the Chair laid before the Senate on second reading,

Senate bill No. 24, A bill to be entitled "An Act regulating the sale of concentrated commercial feeding stuffs and the materials from which they are manufactured; defining concentrated feeding stuffs, prohibiting their adulteration, providing for their correct weighing and marking, for the collection of samples, and providing that the inspection tax and penalties collected under this Act shall be used by the Dairy and Food Commissioner in the enforcement of this Act, and by the Agricultural and Mechanical College of this State, and fixing pen-

alties for the violation of this Act; repealing Chapter 10 and 118, Acts of the Twenty-ninth Legislature, Chapter 131, of the Thirtieth Legislature, Chapter 12, of the Second Called Session of the Thirty-first Legislature, and Chapter 4, Acts of the Third Called Session of the Thirty-first Legislature, and declaring an emergency."

The committee report was then adopted.

#### FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Aug. 28, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House does not concur in Senate amendments to House bill No. 20, and requests the appointment of a Free Conference Committee.

The following has been appointed on part of the House: Messrs. Nichols of Hunt, Williams of Dallas, Johnston, Buchanan and Cox of Eastland.

Respectfully,

BOB BARKER,  
Chief Clerk House of Representatives.

#### HOUSE BILL NO. 20—FREE CONFERENCE COMMITTEE ON.

Senator Terrell of McLennan, made the following motion:

I move that the Senate grant the request of the House for a Free Conference Committee on House bill No. 20, and that the following be elected on the part of the Senate: Hudspeth, Mayfield, Ward, Carter, Watson.

Senator Townsend offered the following amendment to the motion:

I move that said resolution be so amended as to require said Free Conference Committee to submit back to the Senate the agreements by each committee as agreed upon in said bill to be reported before acceptance of same by said committee on the part of the Senate.

TOWNSEND.

Senator Hudspeth moved to table the amendment, and on that motion moved the previous question. The previous question was duly seconded and was so ordered.

The motion to table prevailed by the following vote:

Yeas—16.

Adams.	Murray.
Astin.	Paulus.
Carter.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Nays—10.

Bryan.	Perkins.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.

Absent.

McNealus.

PAIRED.

Senator Greer (present), who would vote "nay," with Senator Willacy (absent), who would vote "yea."

Senator Peeler (present), who would vote "yea," with Senator Ratliff (absent), who would vote "nay."

Action recurred on the amendment, and Senator Hudspeth moved the previous question on the amendment and the original motion.

The motion for the previous question was seconded and was so ordered.

Senator Vaughan made the following point of order.

I make the point of order that the members of the Senate who are candidates for Congress proposing to run in the districts made by the bill, and interested in passing the bill as it heretofore passed the Senate, have no right to vote upon the bill or upon the motion to appoint the conference committee.

The Chair (Senator Meachum) held that to sustain the point of order, the Chair would assume the existence of a fact, which the Chair, under the Constitution, was not authorized to do, and further, that the matter of the disqualification of a member to vote was a matter for the Senator himself, and possibly the Senate, upon proper motion, but was not a matter for the Chair, therefore, overrule the point of order.

Action then recurred on the motion by Senator Terrell of McLennan, and the same was adopted by the following vote:

## Yeas—16.

Adams.	Murray.
Astin.	Paulus.
Carter.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

## Nays—10.

Bryan.	Perkins.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.

## Absent.

McNealus.

## PAIRED.

Senator Peeler (present), who would vote "yea," with Senator Ratliff (absent), who would vote "nay."

Senator Greer (present), who would vote "nay," with Senator Willacy (absent), who would vote "yea."

## SENATE BILL NO. 24.

Action here recurred on the pending business, Senate bill No. 24.

Bill read second time and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Real.
Collins.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.

## Present—Not Voting.

Greer.

## Absent.

Cofer.

McNealus.

## Absent—Excused.

Ratliff. Willacy.

The bill was read third time and passed by the following vote:

## Yeas—22.

Adams.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Cofer.	Real.
Collins.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Townsend.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.

## Nays—2.

Astin. Meachum.

## Present—Not Voting.

Vaughan.

## Absent.

McNealus. Terrell, Wise.  
Perkins.

## Absent—Excused.

Ratliff.

## PAIRED.

Senator Greer (present), who would vote "nay," with Senator Willacy (absent), who would vote "yea."

Senator Hudspeth moved to reconsider the vote by which the bill was passed and lay the motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 30.

Senator Johnson called up by unanimous consent House bill No. 30, and the Chair laid it before the Senate on second reading.

## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Vaughan:

Resolved, by the Senate, That the Senate Investigating Committee be permitted to file with the Journal Clerk of the Senate on or before October 1st, 1911, its report of its findings and

recommendations, which shall be printed as a part of Volume 2 of the Senate Journal.

The resolution was read and adopted.

#### REFUSE TO RECESS.

Senator Watson moved that the Senate recess until 8:30 o'clock tonight.

The motion was lost by the following vote:

#### Yeas—10.

Hudspeth.	Paulus.
Hume.	Peeler.
Kauffman.	Terrell, McLennan
Meachum.	Watson.
Murray.	Weinert.

#### Nays—17.

Adams.	Mayfield.
Astin.	Real.
Bryan.	Sturgeon.
Carter.	Terrell, Wise.
Cofer.	Townsend.
Collins.	Vaughan.
Greer.	Ward.
Johnson.	Warren.
Lattimore.	

#### Absent.

McNealus.	Perkins.
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#### Absent—Excused.

Ratliff.	Willacy.
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#### HOUSE BILL NO. 30.

The Chair laid before the Senate on its second reading,

House bill No. 30, A bill to be entitled "An Act to amend Chapter 11 of the General Laws of the Regular Session of the Thirty-first Legislature, entitled An Act to reorganize the Forty-seventh Judicial District, and to create the Sixty-ninth Judicial District, to fix the time for holding the terms of the districts courts in said districts, and to provide for the appointment of a district judge and district attorney in the said Sixty-ninth Judicial District, approved February 13, 1909; adding the unorganized county of Bailey to said Sixty-ninth Judicial District; attaching the unorganized county of Bailey to the county of Parmer for judicial and registration purposes; providing for transfer of certain cases from the courts of Castro county to Parmer county; repealing all laws in conflict herewith, and declaring an emergency."

The committee report was adopted. Bill read second time and passed to a third reading.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill was put on its third reading and final passage by the following vote:

#### Yeas—25.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.
Meachum.	

#### Absent.

Greer.	Perkins.
McNealus.	Terrell, Wise.

#### Absent—Excused.

Ratliff.	Willacy.
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The bill was read third time and passed.

Senator Johnson moved to reconsider the vote by which the bill was passed and lay the motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 87.

Senator Murray called up, by unanimous consent, House bill No. 87, and

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 87 put on its second reading by the following votes:

#### Yeas—23.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	

**Absent.**

Greer.	Perkins.
Hudspeth.	Terrell, Wise.
McNealus.	Weinert.

**Absent—Excused.**

Ratliff.	Willacy.
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On motion of Senator Murray, the Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate on second reading,

House bill No. 87, An Act to amend Section 5 of Chapter CLXXII of the General Laws of the State of Texas, passed by the Thirtieth Legislature (1907), at its Regular Session, approved April 24th, 1907, providing for the sale of lands situated upon Mustang Island; amending said section so as to provide and direct the disposition of the proceeds of the sales of such lands heretofore or hereafter made, and declaring an emergency.

Bill read second time and passed to a third reading.

On motion of Senator Murray, the Constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

**Yeas—22.**

Adams.	Meachum.
Astin.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Collins.	Real.
Hudspeth.	Sturgeon.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Watson.
Mayfield.	Weinert.

**Absent.**

Cofer.	Terrell, McLennan.
Greer.	Terrell, Wise.
McNealus.	Warren.
Perkins.	

**Absent—Excused.**

Ratliff.	Willacy.
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30—8.

The bill was read third time and passed by the following vote:

**Yeas—23.**

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Watson.
Mayfield.	Weinert.
Meachum.	

**Absent.**

Cofer.	Perkins.
Greer.	Terrell, Wise.
McNealus.	Warren.

**Absent—Excused.**

Ratliff.	Lattimore.
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Senator Murray moved to reconsider the vote by which the bill was passed, and lay the motion on the table.

The motion to table prevailed.

**RECESS.**

At 6:05 o'clock p. m. the Senate, on motion of Senator Watson, recessed until 8:30 o'clock tonight.

**AFTER RECESS.****(Night Session.)**

The Senate was called to order by Lieutenant Governor Davidson.

**CALL OF SENATE.**

Senator Townsend, at 8:36 o'clock p. m., moved that the Senate recess until 8:30 o'clock tomorrow morning.

Senator Watson moved as a substitute, that the Senate recess until 8:45 o'clock tonight.

Action recurred on the longest time first, and the roll call developed no quorum voting.

**Yeas—3.**

Cofer.	Townsend.
Collins.	



## Nays—14.

Adams.	Paulus.
Carter.	Peeler.
Hudspeth.	Real.
Hume.	Sturgeon.
Kauffman.	Ward.
Mayfield.	Watson.
Murray.	Weinert.

## Absent.

Astin.	Meachum.
Bryan.	Perkins.
Greer.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Lattimore.	Vaughan.
McNealus.	Warren.

## Absent—Excused.

Ratliff.	Willacy.
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At the conclusion of the above roll call Senators Astin and Meachum came in and desired to vote.

Senator Townsend made the point of order that they were not within the bar of the Senate when their names were called, and the Chair sustained same.

There being no quorum present, Senator Watson moved a call of the Senate for the purpose of securing and maintaining a quorum. The motion was seconded.

Senator Townsend then moved that the Senate recess until 8 o'clock tomorrow morning, and pending discussion by Senator Townsend,

Senator Hudspeth made the point of order that Senator Townsend was speaking for delay. The point of order was seconded by ten Senators.

Question—Shall the point of order be now decided?

The Senate sustained the point of order.

Senator Watson then moved a call of the Senate for the purpose of securing and maintaining a quorum, and the motion was duly seconded.

The roll was called, the following Senators answering to their names:

Adams.	Meachum.
Astin.	Murray.
Carter.	Paulus.
Collins.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kauffman.	Sturgeon.
Mayfield.	Terrell, McLennan.

Townsend.
Ward.

Watson.
Weinert.

## Absent.

Bryan.	McNealus.
Cofer.	Terrell, Wise.
Greer.	Vaughan.
Johnson.	Warren.
Lattimore.	

## Absent—Excused.

Ratliff.	Willacy.
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The Sergeant-at-Arms, with assistants, was instructed to bring in the absentees. The Sergeant-at-Arms was instructed to lock all the doors of the Senate Chamber.

The Senate was here at ease from 8:59 o'clock p. m., August 28th, without transaction of business, until 7:40 o'clock a. m., when the Chair, Senator Kauffman, swore in L. B. Mosely as an Assistant Sergeant-at-arms.

At 11:50 o'clock a. m., August 29th, Senator Ratliff was announced at the bar of the Senate.

At 12:40 o'clock p. m., Senators Bryan, Cofer, Greer, Johnson, Lattimore, Terrell of Wise, Vaughan and Warren appeared at the bar of the Senate.

At 12:55 o'clock p. m., Senator Townsend moved that the Senate recess until 2:30 o'clock p. m. today.

Senator Carter moved to table the motion to recess, and the same prevailed by the following vote:

## Yeas—16.

Adams.	Peeler.
Carter.	Perkins.
Hudspeth.	Real.
Kauffman.	Sturgeon.
Mayfield.	Terrell, McLennan.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.

## Nays—11.

Bryan.	Ratliff.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Warren.
Lattimore.	

## Absent.

Astin.	McNealus.
Hume.	
Willacy.	

## Absent—Excused.

## SIMPLE RESOLUTION.

By Senator Murray:

Whereas, The Regular Session of the Thirty-second Legislature passed a bill and appropriated money for the location and establishment of two tuberculosis sanitariums, providing for a Commission to select sites for same; and

Whereas, Said Commission has been duly appointed by the Governor and selected locations for both of said tuberculosis sanitariums, one of which is at or near the present site of Fort Clark in Maverick county; and

Whereas, It became known that it was the intention of the Federal Government to abandon Fort Clark as a military reservation, Congressman Burleson prepared and introduced a resolution in the House of Representatives ceding the buildings at Fort Clark and 420 acres of land to the State of Texas for use as a tuberculosis sanitarium, so long as the property should be occupied for that purpose. Congressman Garner actively assisted in pushing the resolution through the House of Representatives; therefore, be it

Resolved by the Texas Senate, That the thanks of this body be tendered especially to Congressmen Burleson and Garner and the other members of the House from Texas, and to respectfully request and urge Senators Culberson and Bailey to push the resolution through the Senate when it meets next December.

The resolution was read, and Senator Hudspeth moved to table same, which motion to table was adopted by the following vote:

Yeas—13.

Bryan.	Real.
Carter.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Kauffman.	Terrell, Wise.
Lattimore.	Ward.
Mayfield.	Watson.
Perkins.	

Nays—8.

Adams.	Johnson.
Cofer.	Murray.
Collins.	Vaughan.
Greer.	Warren.

Present—Not Voting.

Meachum.	Ratliff.
Peeler.	Townsend.

Absent.

Astin.  
Hume.  
McNealus.

Paulus.  
Weinert.

Absent—Excused.

Willacy.

(Senator Meachum in the chair.)

## SIMPLE RESOLUTION.

(By unanimous consent.)

By Senator Hudspeth:

Whereas, The Secretary of the Senate, Clyde D. Smith, was the only person authorized to make corrections in the list of notary's public, confirmed by the Senate in Regular Session, and

Whereas, The Secretary of the Senate devoted several hours each day from May 11th to and including June 18th in making corrections and answering correspondence relative to the notary list, without any compensation whatever; therefore, be it

Resolved, That the Secretary of the Senate be allowed compensation for thirty days at \$5 per day for this service, to be paid out of the contingent expense fund of the present session upon presentation of account properly certified to.

Hudspeth, Kauffman, Murray, Peeler, Real, Watson, Weinert, Terrell of McLennan, Terrell of Wise, Carter, Ward, Collins, Johnson, Mayfield, Perkins, Townsend, Bryan.

The above resolution was read and adopted.

## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Hudspeth:

Whereas, It is necessary to have certain officers and employes retained after the close of the present session to wind up the affairs of the Senate, therefore, be it

Resolved, That a committee of five be appointed by the President of the Senate to make recommendations as to the proper officers and employes to be retained and the length of time for them to be retained.

The above resolution was read and adopted.

## POINT OF ORDER.

Senator Vaughan here made the point of order that there now being

a quorum of the Senate present, the doors of the Senate should be opened. Senator Meachum was presiding, but Lieutenant Governor Davidson resumed the chair.

On the question of the point of order, the Chair directed the roll called, the following Senators answering to their names, a quorum being present:

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Hume. McNealus.

Absent—Excused.

Willacy.

BILLS SIGNED.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bills Nos. 60, 41, 22, 21, 40, 43, 48, 58.

Note—See captions of above under head of "Bills Signed" immediately preceding sine die adjournment.

#### FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Aug. 29, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 66, A bill to be entitled "An Act creating the Provident City Independent School District in the counties of Lavaca, Colorado, Wharton and Jackson, and declaring an emergency."

Senate bill No. 20, A bill to be entitled "An Act to authorize and empower the Board of Regents of the University of Texas to acquire by purchase or condemnation for the use and benefit of the University of

Texas such lands within the counties of Travis and Galveston as they may deem expedient for sites on which to erect and maintain buildings, and for the extension of the campus and other purposes in the conduct of the said University, and declaring an emergency," with amendments.

House bill No. 93, A bill to be entitled "An Act to increase the limits of the Bremond Independent School District, and declaring an emergency."

Also concurs in Senate amendments to House bill No. 81, by the following vote: Yeas, 99; nays, 0.

Concurs in Senate amendments to House bill No. 57 by the following vote: Yeas, 90; nays, 0.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

#### PRESIDENT PRO TEM. — ELECTION OF.

The Chair recognized Senator Sturgeon, who, after brief remarks, nominated Senator Earl B. Mayfield for President Pro Tem. of the Senate, provided for by the Constitution at the close of the session.

(Senator Hudspeth in the chair.)

Senators Lattimore, Meachum, Greer, Cofer, Perkins, Real, Hume, Ward, Collins, Townsend, Peeler, Hudspeth, Vaughan, Ratliff, Johnson, Warren, Adams and Astin seconded the nomination of Senator Mayfield.

There being no other nominations, the Chair declared nominations closed, and directed the Senators to prepare their ballots.

Senators Perkins, Adams and Collins were appointed as tellers.

Senator Mayfield received 27 votes, all the votes cast, and was declared duly and constitutionally elected President Pro Tem. for the ensuing term.

The Chair, Senator Hudspeth, appointed Senators Sturgeon, Meachum and Ward as a committee to escort Senator Mayfield to the President's stand, whereupon the constitutional oath of office was administered to him.

After being introduced to the Senate, President Pro Tem. Mayfield addressed the Senate briefly and thanked the Senate for the honor conferred upon him.

(President Pro Tem. Mayfield in the Chair.)

#### BILLS SIGNED.

President Pro Tem. Mayfield gave notice of signing in the presence of the Senate various House bills, and

Senator Watson made the point of order that the President Pro Tem. elected at the close of the session was not entitled to conduct official business, and that the proper person to sign the bills would be either the Lieutenant Governor, President of the Senate, or the President Pro Tem. elected at the beginning of the session.

The Chair partially sustained the point of order at first, but after discussion on same signed the following bills:

House bills Nos. 5, 75, 34, 40.

Note—See captions of above under head of "Bills Signed" immediately preceding sine die adjournment.

#### SENATE BILL NO. 20 — HOUSE AMENDMENTS CONCURRED IN.

Senator Peeler called up

Senate bill No. 20, A bill to be entitled "An Act to authorize and empower the Board of Regents of the University of Texas to acquire by purchase or condemnation for the use and benefit of the University of Texas such lands within the county of Travis and Galveston as they may deem expedient for sites on which to erect and maintain buildings, and for the extension of the campus and other purposes in the conduct of the said University, and declaring an emergency," with the following House amendments:

Amend Senate bill No. 20 as follows:

1. By striking out in Section 2 the words "Travis county," and insert in lieu thereof the following: "The county in which the land sought to be condemned is situated."

2. By inserting in Section 4, after the word "cause," the following: "Unless continued on motion thereof."

3. By striking out at the ends of Sections 4 and 5 the words "and conclusive," and inserting in lieu thereof, at the end of each of said sections the following: "Provided, the parties to said proceeding shall have the right of appeal as in other civil cases."

4. By striking out of Section 6 the words "Board of Regents" where they occur first and last in said section and inserting in lieu thereof the words "State of Texas," and by adding at the end of Section 6 the following: "Including a reasonable attorney's fee to be fixed by the court."

Amend Senate bill No. 20, Section 2, by striking out where it last appears in said section "Board of Regents," and insert in lieu thereof "State of Texas."

On motion of Senator Peeler, the above House amendments were concurred in.

#### SIXTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Aug. 29, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following simple resolution, relating to the treatment of members of the House by the Senate.

Respectfully,

BOB BARKER.

Chief Clerk House of Representatives.

Pending the discussion of the former proceedings the time President Pro Tem. Mayfield was in the Chair, Senator Bryan asked unanimous consent to take up Senate bill No. 55, and there was no objection, but on account of confusion and the prevailing motion to recess, the bill was never laid before the Senate.

#### RECESS.

On motion of Senator Vaughan, the Senate, at 2:59 o'clock p. m. recessed until 6 o'clock p. m. today, August 29, 1911.

#### AFTER RECESS.

(Night Session, August 29.)

The Senate was called to order by Lieutenant Governor Davidson.

#### SEVENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Aug. 29, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 71, A bill to be entitled "An Act to incorporate the city of McKinney, etc., and declaring an emergency."

Senate bill No. 65, A bill to be entitled "An Act to amend an act entitled 'An Act to incorporate the city of Port Arthur, Jefferson county, Texas, and to grant it a new charter; to provide for a commission form of government; to define its powers and prescribe its duties and liabilities; to declare an emergency, and to repeal all Acts in conflict herewith,' passed by the Thirty-second Legislature of the State of Texas at its Regular Session by amending Sections 4 and 5 of Chapter 5 of Article 2 of said Act, relating to the election of commissioners for said city; and by amending Section 12 of Chapter 9 of Article 3 of said act relating to the powers of said city as a drainage district under the name of 'Port Arthur Drainage District of Jefferson County, Texas,' and validating certain proceedings had and drainage bonds voted and authorized; and by amending Article 4 of said Act, by adding thereto Chapter 2, consisting of Sections 1 to 30, inclusive, relating to street and sidewalk improvements, and validating certain proceedings had and street improvement bonds voted and authorized, and declaring an emergency."

Senate bill No. 12, A bill to be entitled "An Act to regulate proceedings upon application for writs of error from Courts of Civil Appeals to the Supreme Court."

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

#### FREE CONFERENCE COMMITTEE REPORT.

Austin, Texas, Aug. 29, 1911.

Hon. A. B. Davidson, President of the Senate, and Hon. Sam Rayburn, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed by your respective bodies to consider House bill No. 20, with Senate amendments, have had same under consideration,

and beg leave to report that we have been unable to agree.

HUDSPETH,  
WATSON,  
WARD,  
MAYFIELD,  
CARTER,

On the part of the Senate.

WILLIAMS of Dallas.  
NICHOLS of Hunt,  
BUCHANAN,  
COX of Eastland,  
JOHNSTON,

On the part of the House.

Senator Murray offered the following motion:

I move the report be not accepted, but instead thereof, the Senate committee be instructed to again meet with the House committee, and if an agreement can be reached with the House committee that a majority of the Senate committee will sign, then and in that event the Senate committee are hereby instructed to make a majority report back to the Senate.

Senator Townsend offered the following amendment:

I move that the committee as formerly appointed be reappointed, and no instructions be given them and they be given further time to consider said bill.

Senator Watson moved the previous question on the amendment and the motion, which was duly seconded, was so ordered.

Action recurred on the amendment, the yeas and nays being called for, and the roll call developed no quorum voting, as follows:

Yeas—7.

Carter.	Townsend.
Hudspeth.	Vaughan.
Mayfield.	Watson.
Sturgeon.	

Nays—9.

Adams.	Perkins.
Astin.	Real.
Hume.	Terrell, McLennan.
Murray.	Weinert.
Peeler.	

Present—Not Voting.

Ward.

Absent.

Bryan.	Greer.
Cofer.	Johnson.
Collins.	Kauffman.

Lattimore.  
McNealus.  
Meachum.  
Paulus.

Ratliff.  
Terrell, Wise.  
Warren.

Absent—Excused.

Willacy.

There being no quorum present, Senator Watson moved a call of the Senate for the purpose of securing and maintaining a quorum.

The roll was called, the following Senators answering to their names:

Present—18.

Adams.	Perkins.
Astin.	Real.
Carter.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Townsend.
Mayfield.	Vaughan.
Murray.	Ward.
Paulus.	Watson.
Peeler.	Weinert.

Absent—12.

Bryan.	Lattimore.
Cofer.	McNealus.
Collins.	Meachum.
Greer.	Ratliff.
Johnson.	Terrell, Wise.
Kauffman.	Warren.

Absent—Excused.

Willacy.

Pending the delay, D. C. McCaleb was sworn in as an assistant to the Sergeant-at-Arms.

The Senate was here at ease until 8:20 o'clock, when the Chair called the Senate to order and a message from the Governor was received.

The Chair directed the roll called, no quorum being present, as follows:

Present—19.

Adams.	Peeler.
Astin.	Perkins.
Carter.	Real.
Hudspeth.	Sturgeon.
Hume.	Townsend.
Kauffman.	Vaughan.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Absent—11.

Bryan.	Greer.
Cofer.	Johnson.
Collins.	Lattimore.

McNealus.  
Ratliff.

Terrell, Wise.  
Warren.

Terrell, McLennan.

Absent—Excused.

Willacy.

#### MESSAGE FROM THE GOVERNOR.

Senator Watson here made the point of order that the message from the Governor could be received in the absence of a quorum. Senator Watson contended that the Constitution provided that no business could be transacted in the absence of a quorum, but cited Hines' Precedent as authority that a message from the Executive was not the transaction of business.

The Chair sustained the point of order and laid the following messages from the Governor before the Senate, which were read:

(Senator Weinert in the Chair.)

Executive Office,

Austin, Texas, Aug. 29, 1911.

To the Senate and House of Representatives:

The appropriation bill embodied in Free Conference Committee substitute for Senate bill No. 3 reached the Governor's office Saturday evening, August 26, 1911, at 6:30 o'clock, and I have given same my careful consideration.

The bill carries a grand total for the two fiscal years ending August 31, 1913, of \$10,208,613.85. Of this amount \$2,668,405.00 is appropriated for the educational institutions of the State; \$1,847,525.45 is appropriated for the courts and judiciary; \$1,824,864.00 is appropriated for the support of the insane asylums; and \$1,049,575.00 is appropriated for pensions, making a total appropriated in this bill for these four items of \$7,390,365.45, which shows that the bill appropriates only \$2,818,248.40 for all other purposes of the State government.

Perhaps a comparison of the appropriations made by the present Legislature with those of the Thirty-first Legislature would not be out of place or uninteresting. The Thirty-first Legislature made appropriations as follows: For the fiscal year ending August 31, 1910, \$5,770,715.55; for the fiscal year ending August 31, 1911, \$3,877,353.00; special appropriations, \$1,971,968.61; total appropriations by the Thirty-first Leg-

islature, \$11,620,037.16, of which sum \$1,687,069.00 were vetoed, leaving the net appropriations for the two fiscal years ending August 31, 1911, \$9,932,968.16.

The appropriations by the Thirty-second Legislature are as follows: Year ending August 31, 1912, \$5,558,621.85; year ending August 31, 1913, \$4,649,992.00; special appropriations, \$781,269.99; total, \$11,119,883.84. This shows that the Thirty-second Legislature, in general and special appropriations, appropriated \$500,153.32 less than its immediate predecessor. No account is taken in this statement of appropriations for deficiencies by either the Thirty-first or Thirty-second Legislatures.

The items appropriated by the Thirty-first Legislature and vetoed by the Governor largely crippled the educational and eleemosynary institutions of the State, and the appropriations for these institutions by this Legislature are therefore necessarily larger than otherwise they would have been but for their previous neglect. The items in the bill that have been vetoed by me will approximate \$640,000.00, which will reduce the revenue requirements for the two fiscal years ending August 31, 1913, to approximately \$10,479,883.84. I had hoped to be able to reduce the appropriation bill to a still greater extent, but upon careful examination of same I found that I could not do so without seriously injuring the educational institutions and depriving them of the revenue necessary for their maintenance and proper advancement.

I had seriously hoped that the Legislature would resume its proper functions by the repeal of the Automatic Tax Law, and fix the tax rate of Texas at an amount sufficient to pay the expenses it has provided for by general and special appropriations. The hour for your constitutional adjournment is near at hand, and it now seems there is no hope for action in this particular on the part of the Legislature. As stated in several previous messages, the revenues that can be expected from all other sources than ad valorem taxation are about \$3,000,000.00 per annum. This will require the raising of about \$5,500,000.00 by ad valorem taxes to meet the requirements of the general and special appropriations by this Legislature. This

leaves out of consideration the payment of any deficiencies already accrued or that may hereafter appear.

It is a matter of regret to me that I have found it necessary to veto any of the items in the appropriation bill which in the wisdom of the Legislature it has deemed proper to include therein. I especially want to see our educational institutions and asylums amply taken care of. The bill which has received my approval carries the largest sum for the advancement of agricultural and live stock interests in this State of any bill ever filed in the Secretary of State's office with the approval of the Governor of Texas. It likewise carries the largest sums for the promotion of education of any bill ever enacted by a Texas Legislature.

I regret exceedingly the necessity for having to veto any portion of the appropriation for the executive departments of the State government. I regret that the Legislature felt it incumbent upon itself to seek to deprive the Governor of the constitutional prerogative of vetoing any item for any department where in his judgment such appropriation was excessive or unnecessary. In the bill as filed with the Secretary of State I have exercised this prerogative, nevertheless, and vetoed the lump sum of \$83,160.00 appropriated to the Attorney General's Department. After making this lump appropriation in one item, the Legislature divided the same into two items of \$41,580.00 each for the fiscal years ending August 31, 1912 and 1913, respectively. By striking out the lump appropriation and the words describing the same, and the appropriation of \$41,580.00 for the second year, the sum of \$41,580.00 is left subject to the use of the Attorney General for the maintenance of his department for the two fiscal years named, any portion of which can be used, under the language of the bill, for any purpose in carrying on the duties of his office. This is not as much, perhaps, as should be appropriated to this department. I have no desire to cripple its efficiency, but under all the circumstances I felt impelled to take the course I have in this instance. If further means are needed to carry on the work of said department, as shown in the statement filed with the Secretary of State, I shall be glad to approve application for necessary

deficiency warrants to meet all necessary expenses of that Department.

I find by reference to the appropriation for this department by the Thirty-first Legislature that the sum of \$34,830.00 was appropriated for the fiscal year ending August 31, 1910, and \$24,330.00 for the fiscal year ending August 31, 1911, or a total of \$59,160.00 for the two years. Of this amount about \$11,902.00 has lapsed or will lapse, showing that the total requirements of that department for the last two years, with an increased force of assistants, was \$47,258.00. In view of these facts, the sum of \$83,160.00 for the two years ending August 31, 1913, was deemed by me to be excessive, and should not have been asked for, especially in view of the unsatisfactory condition of the finances of the State at this time.

On account of the manner in which the appropriation was made, no other course was left open to me than to veto the bulk sum of \$83,160.00 and the item of \$41,580.00 for the second year. Even under present conditions and taking the expenditures for the last two fiscal years as a basis, it will not require more than \$6,000.00 or \$7,000.00 deficiency to meet the requirements of the Attorney General's office up to the 31st day of August, 1913. The sum which remains in the bill subject to the Attorney General's unconditional control, as seems to have been the wish and will of the Legislature, will be amply sufficient, even upon the present expensive basis under which that department is now conducted, to last him until the next Legislature meets in January, 1913, without even a deficiency. The paragraph containing the items which follow the appropriations for the respective years named is vetoed, because it is out of harmony with the remainder of the appropriation after the objections already noted and the items named were disapproved.

I am very sorry that it was necessary to veto any part of the appropriation for the University of Texas, but it was so stated in the bill as to leave me no other alternative under the circumstances. Whatever may be actually needed in addition to the remaining appropriation for the fiscal year ending August 31, 1912, to pay the salaries of professors absolutely necessary can be supplied by application to the Governor for de-

ficiency to meet the same, on giving thirty days' notice.

As provided in the Constitution, I append hereto copy of the statement containing the items vetoed by me as filed with the Secretary of State.

Respectfully,  
O. B. COLQUITT,  
Governor of Texas.

Executive Office,

Austin, Texas, Aug. 29, 1911.

To the Secretary of State:

As provided in Section 14 of Article IV of the Constitution of Texas, I transmit herewith for file in the office of the Secretary of State, Free Conference Committee Substitute for Senate bill No. 3, said bill being "An Act making appropriations for the support of the State government for two years beginning September 1, 1911, and ending August 31, 1913, and for other purposes, and prescribing certain regulations and instructions in respect thereto, to make additional appropriations for the support of the State government for the year ending August 31, 1911, and to pay various miscellaneous claims against the State, and declaring an emergency," said bill having passed the First Called Session of the Thirty-second Legislature of the State of Texas, and having been received in the Governor's office on August 26, 1911, at 6:30 p. m.

Said Free Conference Committee Substitute for Senate bill No. 3 has been signed by me on this date, and the items therein not objected to are approved. I append to the said bill at the time of signing the same this statement showing the items to which I object, and the reasons therefor. Where the items objected to have no special reason assigned for that action, they are vetoed on the ground that the appropriations are not essential to the efficient administration of the State government or of the particular department for which they may have been made. I have run a blue pencil through said items objected to, as well as the words describing them, as follows, except where the appropriation covers a period of two years and that for only one year is vetoed:

Executive Department.

(1) "Salary of stenographer and bookkeeper for Board of Pardon Advisers," \$1,100.00, for the fiscal years



ending August 31, 1912 and 1913, is objected to on the ground that it is not necessary. An extra stenographer has been given the Governor's office, and he will have time to do the work of the Board of Pardons. (2) "Expenses of the Board of Pardons Advisors in visiting the penitentiaries, reformatory and camps," \$300.00 for each of the fiscal years ending August 31, 1912 and 1913, is objected to. With the Prison Commissioners and parole officers provided by the penitentiary act, it will not be necessary for the Board of Pardons to perform this service.

#### Department of State.

(1) On page 5, the item of "Salaries of two stenographers," \$2,400.00 for each of the fiscal years ending August 31, 1912 and 1913, is objected to on the ground that it was not necessary to increase the force in the office of the Secretary of State to this extent. (2) The item of "furniture, files and typewriters," \$400.00, for the fiscal year ending August 31, 1912, is objected to on the ground that it is not necessary. (3) The item of "file cases," \$500.00 for the fiscal year ending August 31, 1913, is objected to on the ground that it is not necessary.

#### Public Buildings and Grounds.

(1) On page 7, the item reading: "Chemicals for fire extinguishers," \$500.00, for the fiscal year ending August 31, 1912, is objected to as being unnecessary. On page 8, the item of \$10,000.00, for the fiscal year ending August 31, 1913, "for improvements, maintenance and care of San Jacinto battle grounds," is objected to. I think the \$10,000.00 which is provided for the fiscal year ending August 31, 1912, is sufficient.

#### Texas Library and Historical Commission.

(1) On page 12, the item reading: "Salary of stenographer and copyist," \$1,000.00 for each of the fiscal years ending August 31, 1912 and 1913, is objected to as not being necessary. (2) On page 13, the item of "Traveling expenses of the State Librarian in the service of the Commission," \$100.00 for each of the fiscal years ending August 31, 1912 and 1913, is objected to. (3)

The item on page 13, for "Collecting and disseminating information about public libraries," \$200.00 for each of the fiscal years ending August 31, 1912 and 1913, is objected to as being unnecessary. (4) The item on page 13, for "Shelving for books, newspapers and manuscripts, with the necessary stack floors, railings and stairs; tables and chairs for reading room; office furniture, filing cabinets for legislative reference section, card catalogue cases; gratings over windows in manuscript room, cases for Texas, Mexican and Confederate flags," \$2,000.00 for the fiscal year ending August 31, 1913, is objected to as unnecessary.

#### State Purchasing Agent.

The item of "Salary of bookkeeper and auditor," \$1,500.00 for each of the fiscal years ending August 31, 1912 and 1913, is objected to on the ground that it is not necessary.

#### Live Stock Sanitary Commission.

The item on page 26, for "Horse allowance, \$30.00 per month, twenty-three inspectors," \$8,280.00 for each of the fiscal years ending August 31, 1912 and 1913, is objected to.

#### State Mining Board.

On page 27, the item: "Traveling expenses for Board," \$600.00 for each of the fiscal years ending on August 31, 1912 and 1913, is objected to as not being required.

#### Attorney General's Department.

(1) On page 30, the item in words as follows: "the sum of Eighty-three Thousand and One Hundred and Sixty (\$83,160.00) Dollars" is objected to and disapproved—first, because it is an excessive appropriation of the public funds for the purposes appropriated at a time when the burden of taxation upon the people of this State must necessarily be increased to supply deficits and pay the necessary expenses of government; second, because the same is an invasion of the Constitution, in that it is an attempt to make an appropriation in gross and not for specific purposes, as directed by the Constitution.

(2) The item on page 30 of \$41,580.00 for the fiscal year ending August 31, 1913, is objected to and disapproved. The remaining item of \$41,580.00, as appropriated, is available for use until exhausted, and may be applied during both the fiscal years ending August 31, 1912, and August 31, 1913. If said sum of \$41,580.00 is not sufficient for both of said years, any additional amount actually needed for the efficient administration of the Attorney General's Office can be provided by deficiency allowance when the same is ascertained to be necessary.

(3) The following language, beginning on page 30 and concluding on page 34, is objected to and disapproved, for the reason that it is not in harmony with the appropriation for the Attorney General's Department in consonance with the objection to the two items already eliminated as outlined above:

"For the guidance of the Attorney General in the expenditure of such sums out of the above item of appropriation of \$83,160.00 as may be necessary to properly conduct the business of his department, he is hereby empowered and authorized to employ such regular assistants as he may deem necessary, not to exceed seven in number at any one time, one of such assistants he shall designate as First Office Assistant Attorney General; and there may be expended out of the above item of appropriation a sum not exceeding \$20,000.00 per annum for the purpose of paying the salary of the Attorney General at \$2,000.00 per annum and such fees as are prescribed by law, not to exceed \$2,000.00 per annum, and for the purpose of paying the salaries of the assistants employed; provided, that no assistant shall receive more salary than \$2,500.00 per annum; and the Attorney General shall have the power and authority to employ such stenographic clerks as he may deem necessary to carry on the work of the Department, not to exceed four in number, one of whom shall be chief clerk and bookkeeper; and there may be expended out of the above item of appropriation a sum not to exceed \$4,900.00 per annum to pay the salaries of such stenographic clerks, provided that no stenographic clerk shall receive more

than \$1,300.00 per annum; there may be employed one porter, who shall be paid out of the above item of appropriation a salary of \$480.00 per annum; there may be expended out of the above item of appropriation, for postage, stationery, telegrams, telephones, furniture, repairs, express, typewriters and fittings, and contingent expenses so much thereof as may be necessary, not to exceed the sum of \$1,350.00 per annum. The remainder of the above item of appropriation, or so much thereof as may be deemed necessary by the Attorney General, shall be expended for costs in civil cases in which the State of Texas or any head of a Department is a party; for the actual traveling expenses and hotel bills incurred by the Attorney General, or any of his assistants or employees, in giving attention to the business of the State elsewhere than in the City of Austin; for depositions and procuring evidence and documents to be used in civil suits, or contemplated suits, wherein the State is a party; for law books and periodicals; and for the enforcement of any and all laws of the State of Texas wherein that duty devolves upon the Attorney General, and for the payment of any and all expenses deemed necessary by the Attorney General in the prosecution and defense of all suits, and particularly for the enforcement of the anti-trust and corporation laws and for the employment of special counsel and other help when the same may be deemed necessary by the Attorney General, provided, that the head of said department shall keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absence be incorporated in the report made biennially by the head of said department; provided, that the amount herein appropriated as stated herein, and no more, shall be paid out of the general revenue for the Attorney General's Department during the fiscal years beginning September 1st, 1911, and ending August 31st, 1913; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated."

## Treasury Department.

(1) The item on page 36, reading as follows, is objected to: "Salary of depository, file and bond clerk, to be used in two years," \$1,000.00. (2) So much of clause (b), beginning on page 37 and ending on page 39, as authorizes suit to be brought against the State and the payment of certain claims, which reads as follows, is objected to:

"and for the payment of the claims against the State of Texas, held by Pumphrey and Kuykendall, also Mrs. Louise M. Day and Mrs. Sue M. Read, assignees and owners of the amounts paid into the State Treasury by the Day Land and Cattle Company, also Taylor and Stevens, also Brown, Gove and Company (or their vendees), growing out of leasing land in 1885 by the State Land Board, in what was once known as Greer County, Texas; provided said claims are established by any District Court of Travis County, and authority is hereby given to the said Pumphrey and Kuykendall, also Mrs. Louise M. Day and Mrs. Sue M. Read, owners of the claims of the Day Land and Cattle Company, also Taylor and Stevens, also Brown, Gove and Company, or their assignees, or holders of said claims, to institute suit against the State of Texas in any District Court of Travis County, for the recovery of said claims; provided further, that upon the trial of such cause, if said claims be established in favor of the holder or holders thereof, that no laches or limitation shall defeat a recovery; provided further, that the parties filing suit shall pay all court costs; provided further, that the State of Texas may be cited in said cause by serving citation upon the Attorney General of Texas; provided further, that if judgment is recovered in favor of the holder or holders of said claims a certified copy of such judgment shall be filed with the Attorney General, which shall be his authority for approving said claims to be paid out of any fund that is appropriated and in existence for the refund of erroneous sales or erroneous leasing of land, etc., and the Comptroller shall draw his warrant against the available school fund account for such amount."

The foregoing is disapproved because it embraces a subject of legis-

lation not submitted to the Legislature.

## Comptroller's Department.

(1) On page 42, the following item is objected to: "Salary of assistant corresponding clerk," \$1,200.00 for each of the fiscal years ending August 31, 1912, and August 31, 1913. (2) On page 42, the item of "Salary of one unorganized county tax clerk," \$1,100.00 for each fiscal year ending August 31, 1912 and 1913. (3) The item on page 42 of "Salary of mailing and file clerk," \$1,100.00 for each fiscal year ending August 31, 1912 and 1913, is objected to. (4) On page 43, the item of "Salary of assistant mailing and file clerk," \$1,100.00 for each of the fiscal years ending August 31, 1912 and 1913, is objected to. (5) On page 43, the item: "For enforcing the provisions of Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i of Chapter 17 of the Acts of the First Called Session of the Thirty-first Legislature, to be expended in two years," \$7,500.00, is objected to on the ground that increased appropriation for the enforcement of the law to other departments of the State government makes this appropriation unnecessary. (6) On page 43, the item of "Salary of four assistant clerks at \$1,100.00 each," \$4,400.00 for each of the fiscal years ending August 31, 1912 and 1913, are objected to as not being needed. (7) The item on page 43 reading as follows: "For clearing up basement, indexing records, for filing same and purchase of shelving to be used in two years," \$3,000.00, is objected to as not being essential. (8) The item on page 48, "One electric adding machine," \$450.00, is objected to for the reason that I am informed the Department already has two adding machines.

## General Land Office.

(1) On page 44, the following item: "Salary of Assistant Chief Clerk," \$1,400.00 for each fiscal year ending August 31, 1912 and 1913, is objected to on the ground that the service of such clerk is not necessary. (2) On page 45, the item: "Salary to employ extra help when necessary to handle accounts and payments," \$1,200.00 for each fiscal year ending August 31, 1912 and 1913, is objected to on the ground that it is not

necessary. (3) The item on page 46, reading as follows: "Typewriting machines, materials and repairs, provided old machines may be exchanged in part payment for new ones, to be expended in two years," \$1,000.00, is objected to on the ground that the appropriation is excessive. A deficiency for what is actually needed may be granted when necessary. (4) On page 46, the item reading as follows: "Surveying under Chapter 147, Acts of the Thirtieth Legislature, to be expended in two years," \$7,500.00, is objected to on the ground that necessary surveying can be done by county surveyors, and the law provides for their compensation. (5) The item on page 46 reading as follows: "Repairs to building to be expended in two years," \$5,000.00, is objected to.

#### University of Texas.

On page 51, the following item: "Additional salaries, equipment and supplies," \$131,545.00 for the fiscal year ending August 31, 1912, is objected to. I regret exceedingly the necessity that impels me to do this. The appropriation for the University and all other educational institutions in this bill is far in excess of appropriations ever before made for them by the Texas Legislature.

#### Agricultural and Mechanical College.

(1) On page 51, the item of \$15,000.00 for "Central heating system," for the fiscal year ending August 31, 1913, is objected to for the reason that the bill appropriates \$30,000.00 for the same purpose for the year ending August 31, 1912. (2) On page 52, the item of "Addition to steam, electric, water and power plant," \$20,000.00 for the fiscal year ending August 31, 1912, is objected to. (3) On page 53, the item reading: "Division of rural highway engineering," \$5,000.00 for each fiscal year ending August 31, 1912 and 1913, is objected to. I submitted to the Legislature the subject of creating the position of Highway Engineer for the purpose of affording assistance to the counties and precincts in the building of good roads. (4) On page 53 the item reading as follows: "Animal husbandry building and barn and judging pavilion complete and equipped, to be constructed of

brick, stone or concrete, all properly drained," \$30,000.00 for the fiscal year ending August 31, 1912, is objected to on the ground that there are other improvements of more imperative necessity, and that everything which might be desired can not be expected out of one or two years' appropriations. (5) The item on page 53 reading: "Plumbing and wiring to be expended in two years," \$10,000.00, is objected to.

#### Girls' Industrial College.

The item on page 59 reading as follows: "For erecting dormitory," \$75,000.00 during the fiscal year ending August 31, 1913, is objected to. I am sorry that the financial condition of the State will not warrant me in allowing this appropriation to stand. The bill carries an item of \$75,000.00 to erect and equip an Industrial Arts building, which is in my opinion of more pressing need than the dormitory.

#### Sam Houston Normal Institute.

On page 60 the item which reads: "Central heating plant and equipment, complete," \$25,000.00 for the fiscal year ending August 31, 1912, is objected to.

#### North Texas State Normal.

The item on page 61 reading as follows: "For equipment of building for library, heating plant and gymnasium," \$7,500.00, to be expended during the fiscal year ending August 31, 1912, is objected to for the reason that another item in the appropriation for this institution will supply practically the same conveniences.

#### Southwest Texas Normal School.

The item on page 62 reading as follows: "For land for teaching agricultural and athletic field," \$3,500.00, to be expended during the fiscal year ending August 31, 1912, is objected to.

#### West Texas Normal.

(1) The item on page 63 reading as follows: "For biological and agricultural departments," \$6,125.00 for the fiscal year ending August 31,

1912, and \$1,000.00 for the fiscal year ending August 31, 1913, is objected to. (2) The item on page 63 reading: "For model school department," \$1,000.00, to be expended during the fiscal year ending August 31, 1912, is objected to.

#### Supreme Court.

The item on page 64 reading as follows: "Salary of stenographer to assist court reporter," \$900.00 for the fiscal year ending August 31, 1912, and \$900.00 for the fiscal year ending August 31, 1913, is objected to.

#### Court of Civil Appeals, Third District.

The item on page 70 reading: "Books for library and consultation room," \$500.00 for the fiscal year ending August 31, 1912, and the same amount for the fiscal year ending August 31, 1913, is objected to on the assumption that the appropriation is for the purchase of law books. The Third Court of Civil Appeals, being situated in the Capitol, has access to the Supreme Court Library, and for that reason I am of the opinion that the appropriation is not necessary.

#### Confederate Home.

(1) The item on page 81 reading as follows: "Horse and Surrey," \$400.00, is objected to. (2) The item on page 82 reading: "One steam cooker and range," \$2,500.00, is objected to.

#### Blind Asylum.

On page 89 the item reading: "For recovering with metal the old building, or so much thereof as may be necessary," \$2,000.00 for the fiscal year ending August 31, 1913, is objected to on the ground that if \$2,000.00 is enough to re-cover the whole building for the year ending August 31, 1912, a duplication of the expense for the year ending August 31, 1913, is unnecessary.

#### Deaf and Dumb Asylum.

(1) The item on page 94 reading as follows: "To take out all boilers, purchase and install new boilers, rebuild smokestack, enlarge boiler house and add store room for coal,"

\$6,000.00 for the year ending August 31, 1912, is objected to. (2) The item on page 94 reading as follows: "For purchasing cylinder printing press," \$1,000.00 for the year ending August 31, 1912, is objected to.

#### Epileptic Colony.

The item on page 96 reading: "Transportation," \$300.00 for each of the fiscal years ending August 31, 1912 and 1913, is objected to because the item of transportation is included in another appropriation for that institution.

#### State Lunatic Asylum.

(1) The item on page 99 reading as follows: "For additional machinery for new laundry," \$1,500.00 for each fiscal year ending August 31, 1912 and 1913, is objected to. (2) On page 99 the item reading: "Enlarging and equipping boiler house," \$15,000.00 for the fiscal year ending August 31, 1912, is objected to.

#### Southwestern Insane Asylum.

(1) The following item on page 103: "Pipe coverings," \$1,000.00 for the fiscal year ending August 31, 1912, is objected to. (2) The following item on page 103: "Cottage for outside employes," \$1,000.00 for the fiscal year ending August 31, 1913, is objected to. (3) The following item on page 103: "Fuel and oil storage depot and appurtenances thereto," \$4,000.00 for the fiscal year ending August 31, 1912, is objected to.

#### North Texas Hospital for the Insane.

The item on page 106 reading as follows: "Overhauling steam plant," for the fiscal year ending August 31, 1913, \$5,000.00, is objected to on the ground that the bill carries an appropriation of \$5,000.00 for the fiscal year ending August 31, 1912, to be used for overhauling said plant.

#### Pension Department.

(1) The item on page 110 reading as follows: "Salary of one stenographer," \$900.00 for the year ending August 31, 1912, and \$900.00 for the year ending August 31, 1913, is objected to on the ground that it is not

needed: (2) On page 110 the following item: "Furniture and desk," \$200.00 for the year ending August 31, 1912, is objected to; and (3) on the same page, the item: "Type-writer," \$75.00 for the year ending August 31, 1912, is objected to on the ground that it is not needed.

#### State Penitentiaries.

The item on page 115 reading as follows: "For the purchase of one new engine, one new passenger coach for the State Railroad, and for the purchase of steel rails, cross ties and other material for repairing the road bed of the State Railroad," \$45,000.00 for the year ending August 31, 1912, is objected to. This item is vetoed because I do not believe the taxpayers should be expected to contribute their money for the maintenance of this "mistake."

#### Miscellaneous Items.

(1) The item on page 128 reading as follows:

"To refund Denison and Sherman R. R. Co. franchises erroneously paid under Chapter 19, Acts of the Twenty-ninth Legislature," \$358.34, is objected to.

(2) The item on page 129 reading as follows:

"To refund to railroad, wharf and terminal companies taxes paid under Chapter 141, Acts of the Twenty-ninth Legislature of the State of Texas for the years 1905 and 1906, for the reason said Chapter 141 was declared unconstitutional by the Supreme Court of the United States in Cause No. 207, G. H. & S. A. R. R. Co. vs. the State of Texas, opinion rendered May 18, 1908," \$35,755.37, is objected to.

(3) The item on page 131 reading as follows:

"To pay Higgins Oil and Fuel Co. for the following cars of oil furnished the State Lunatic Asylum as follows:

Invoice dated April 20th,  
1907, Car No. 156.....\$214.86

Invoice dated June 4th,  
1907, Cars Nos. 165 and  
170 ..... 429.71

Invoice dated June 24th,  
1907, Car No. 160..... 214.86"

\$859.43, is objected to for the reason that officials of the State seem not to be certain as to whether it is due. The next Legislature should author-

ize this company to bring suit, that it may have an opportunity to legally establish its claim against the State.

(4) The item on page 131 reading as follows:

"To pay W. M. Atkinson, District Attorney, Twenty-fifth Judicial District, for six days' services in 1908 and six days' service in 1909 at \$15.00 per day," \$180.00, is objected to on the ground that the Constitution provides an annual payment to district attorneys by the State of \$500.00, and no more.

(5) The item on page 131 reading as follows:

"To pay Waco Street Railway Co. for franchise tax erroneously paid June 16, 1911," \$431.00, is objected to on the ground that no evidence has been submitted to me to show that the tax was erroneously paid.

(6) The item on page 131 reading as follows:

"To refund the unearned portion of liquor dealers' licenses that expired on July 11th, 1909, who voluntarily retired from business and did not take credit for the unearned portion of their licenses on renewals," \$1,000.00, is objected to. Investigation leads me to the conclusion that this appropriation is unnecessary.

(7) The item on page 134 reading as follows:

"To refund to R. A. J. Keel, Tax Collector of Johnson County, amount refunded to Hughes and Ewing, their unearned portion of liquors dealers' licenses," \$66.67, is objected to.

(8) The following item on page 135: "For the payment of W. J. Bailey for rent of farm for experiment station at Fort Worth for year ending December 1st, 1911, in accordance with written contract made with W. J. Bailey by T. M. Campbell, Governor; A. B. Davidson, Lieutenant Governor, and E. R. Kone, Commissioner of Agriculture, the following sum, or so much thereof as may be necessary according to findings of the Board of Experimental Station," \$916.33, is objected to. If this contract was entered into, I presume that previous provision had been made to meet the obligation.

(9) The item on page 136 reading as follows:

"To purchase a small tract of ground near the Sam Houston Monument at Huntsville, Texas, to be described by the Mayor of Huntsville as the chairman of the Sam Houston

Monument Citizens' Committee, owned by W. O. B. Gillespie of Huntsville, Texas, not to exceed the sum of \$400.00," is objected to.

O. B. COLQUITT,  
Governor of Texas.

At 9:45 o'clock p. m., the Chair directed the roll called, but no quorum was present, as follows:

Adams.	Paulus.
Astin.	Peeler.
Carter.	Perkins.
Hudspeth.	Real.
Hume.	Sturgeon.
Johnson.	Townsend.
Kauffman.	Vaughan.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Bryan.	McNealus.
Cofer.	Ratliff.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Lattimore.	Warren.

Absent—Excused.

Willacy.

#### EXCUSED.

Senator Murray moved that Senator McNealus be excused for non-attendance upon the Senate from Saturday, August 25, until date and for remainder of session, on account of illness.

The motion was adopted.

At 10:45 o'clock the roll was called, there being no quorum present, as follows:

Adams.	Peeler.
Astin.	Perkins.
Carter.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Kauffman.	Townsend.
Mayfield.	Vaughan.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.

Absent.

Bryan.	Lattimore.
Cofer.	Ratliff.
Collins.	Terrell, Wise.
Greer.	Warren.
Johnson.	

Absent—Excused.

McNealus.

Willacy.

During the next hour the roll was called six times for the purpose of ascertaining whether or not a quorum was present, each time the roll call being as follows:

Adams.	Peeler.
Astin.	Perkins.
Carter.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Kauffman.	Townsend.
Mayfield.	Vaughan.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.

Absent.

Bryan.	Lattimore.
Cofer.	Ratliff.
Collins.	Terrell, Wise.
Greer.	Warren.
Johnson.	

Absent—Excused.

McNealus.

Willacy.

#### SPECIAL COMMITTEE REPORT.

By Senator Terrell of McLennan:  
Austin, Texas, Aug. 29, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee elected by the Senate on yesterday to "examine the correspondence had between any member of this body and between the Comptroller of this State and certain citizens of the State, relative to the delay in the issuance of permits for retail liquor licenses by the Comptroller, with a view of reporting to this body what action, if any, should be taken by the Senate of Texas to ascertain whether or not any employe in the Comptroller's department is now, or has been during the present year, interested in or connected with any law firm in this State that has acted for any party in securing permits to apply for retail liquor licenses," beg leave to report,

1st. That in the absence of the chairman of said committee, Senator Lattimore of Tarrant county, the other two members held a meeting, while the Senate was under call, and carefully examined the correspon-

dence between the Senator from McLennan county and one D. R. Criswell, an attorney of Milam county, which in the absence of any other evidence tends to show an unusual and unnecessary delay in the issuances of permits to apply for retail liquor licenses.

2nd. That on account of the Senate being under call, we have had no opportunity to visit the Comptroller's Department to examine any correspondence that he might have in his possession relative to this matter.

3rd. That the correspondence submitted to this committee, in our opinion would justify further investigation of the matter mentioned therein by this body, but the near approach of the end of this session forbids any further investigation.

4th. The practice of an employe in the Comptroller's Department in offering for sale a book purporting to contain information on "how to secure permits" is, in our opinion, not in keeping with sound public policy, and ought to be discontinued.

The above report was read and adopted.

#### HOUSE NOTIFICATION COMMITTEE.

A committee of three members of the House here appeared at the bar of the Senate and notified the Senate that the House had completed its labors and was ready to adjourn.

#### POST SESSION CLERICAL WORK.

Senator Terrell of McLennan offered the following resolution:

Whereas, It is necessary to provide for the winding up of the affairs of the Senate of this Legislature, and it is necessary to have certain employes retained for certain necessary business in winding up the affairs of the session after the membership has departed for their homes; therefore, be it

Resolved, 1. That 250 volumes of the Senate Journal of the session, when completed, shall be printed and shall be bound in full law sheep, and that one volume when thus bound shall be forwarded by the Secretary of State to each member of the Senate and to each Representative, and the remainder shall be turned over to the Secretary of State. The printing of such Senate Journals in permanent form shall be

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done in accordance with pre-existing law and with the provisions of this resolution under the supervision of the Journal Clerk of the Senate; and it is further provided, that the Journals herein provided for shall be delivered to the Journal Clerk of the Senate within sixty days after the last copy shall have been furnished to the contractor. And it is further provided that the contractor shall furnish daily to the Journal Clerk of the Senate for the purpose of corrections and indexing three proofs of each of forty-eight pages of the Senate Journal as such pages will appear when finally printed, such proofs to be furnished within one day after the copy for such batch of forty-eight pages shall have been furnished by the Journal Clerk to the contractor; and it is further provided, that it shall be the duty of the Journal Clerk of the Senate not to receive or receipt for said Senate Journals until correctly published as required herein and by pre-existing law.

When said Journals have been published and the account approved by the State Printing Board, the same shall be paid out of any of the contingent expense funds of the First Called Session of the Thirty-second Legislature that are available; provided, that the chairman of the Committee on Contingent Expenses shall not issue voucher for said amount until the Journal Clerk has certified to him that the Journal has been published and delivered in accordance with the provisions of this resolution.

2. That the Secretary, Clyde D. Smith, and Journal Clerk, R. M. Gilmore, each be retained for thirty days after adjournment, and that they be instructed to prepare and deliver to the public printer the Journal of the Senate, together with a complete and comprehensive index to same, and to deliver to the Secretary of State all documents, bills, etc., and Journals by law required to be delivered to him by the Secretary of the Senate. And that the Secretary and Journal Clerk shall perform their duties in conjunction with each other, and the Secretary shall, in addition to his other duties, assist the Journal Clerk.

They shall also prepare, proof read and index Senate Journal No. 2, and shall receive compensation for the time devoted to this work at \$5.00



each per day, to be paid out of the contingent expense fund upon approval of certified account by the chairman of the Senate Investigating Committee.

3. That J. C. Stanberry, the Calendar Clerk, be retained one day after adjournment, and that he be instructed to check up, index and arrange such bills, books, resolutions and other documents as may remain in his possession and deliver the same to the Secretary of the Senate.

4. That the Sergeant-at-arms, M. F. Hornbuckle, and his clerk, Fred Flynn, be instructed to immediately prepare a complete and itemized duplicate inventory of all property of the Senate, including all furniture and property in the Lieutenant Governor's room, with marks of identification entered on the invoice; such inventory to show the condition and probable value of such property, and that each copy of each inventory be approved by the President of the Senate, and be delivered by the Sergeant-at-Arms to the Superintendent of Public Buildings and Grounds, and one copy to the Secretary of State upon adjournment of this Legislature; and that the Sergeant-at-Arms and his clerk, Fred Flynn, be allowed three days after adjournment to deliver said property to the Superintendent of Public Buildings and Grounds, taking his receipt for same, which shall be delivered to the Secretary of State and filed and kept by him, and said receipt shall be delivered by the Secretary of State to the Sergeant-at-Arms of the Senate at the next Special or Regular Session of the Legislature as soon as said Sergeant-at-Arms has been elected and qualified; and that the said Sergeant-at-Arms be allowed two porters, Ellis Monroe and Ben Jackson, for three days, to assist him, porters to be paid \$2 per day, and this is to be out of the appropriation of the per diem for members, officers, clerks and employees.

5. That the Engrossing Clerk, F. P. Smith, and Enrolling Clerk, W. P. Williams, each be required to deliver to the Secretary of the Senate all books and documents belonging to the Senate in their possession upon the adjournment of the Legislature and that each be retained one day after adjournment.

6. That each of the above and hereinafter named officers and em-

ployes, except the porters, be paid the sum of \$5.00 per day for the time retained, and that this be paid out of the per diem appropriation for the First Called Session of the Thirty-second Legislature.

7. That the postmistress, Mrs. Elenita Kirkpatrick, be requested to make out a list of the Senators and employes of the Senate with their respective postoffice addresses and furnish the same to the postmaster at Austin, with the request that he forward their mail to their respective addresses after adjournment, and that she be paid for two days' time at \$5.00 per day.

8. That the expenditures under this resolution may be paid out of the contingent and per diem funds of the First Called Session of the Thirty-second Legislature; that \$50 or so much thereof as may be necessary, should be appropriated out of such contingent funds to pay postage or express charges on Journals sent out.

The above resolution was read and adopted.

At 15 minutes of 12 o'clock (midnight) Senator Watson moved that Senator Meachum be excused for the balance of the session.

The yeas and nays were called for and the motion was lost by the following vote:

Nays—16.

Adams.	Peeler.
Astin.	Perkins.
Carter.	Real.
Hudspeth.	Terrell, McLennan.
Kauffman.	Townsend.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.

Absent.

Bryan.	Mayfield.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hume.	Vaughan.
Johnson.	Warren.
Lattimore.	

Absent—Excused.

McNealus.	Willacy.
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Senator Hudspeth moved to excuse Senator Lattimore from further attendance on this session.

The motion was lost by the following vote:

Yeas—2.

Hudspeth. Townsend.

Nays—13.

Adams.	Perkins.
Astin.	Real.
Carter.	Terrell, McLennan.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Peeler.	

Absent.

Bryan.	Mayfield.
Cofer.	Paulus.
Collins.	Ratliff.
Greer.	Sturgeon.
Hume.	Terrell, Wise.
Johnson.	Vaughan.
Lattimore.	Warren.

Absent—Excused.

McNealus. Willacy.

Senator Hudspeth made the following motion:

At 11:55 p. m. Tuesday, August 29, I move that the roll be called for the purpose of ascertaining if we have a quorum, and that the record show the absentees without excuse.

Senator Townsend made the point of order that the motion was the transaction of business, and was out of order, there being no quorum.

The Chair overruled the point of order.

The roll was called, the following Senators answering to their names:

Adams.	Peeler.
Astin.	Perkins.
Carter.	Real.
Hudspeth.	Terrell, McLennan.
Kauffman.	Townsend.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.

Absent.

Bryan.	Mayfield.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hume.	Vaughan.
Johnson.	Warren.
Lattimore.	

Absent—Excused.

McNealus. Willacy.

The Chair here stated that Senator Sturgeon had been excused by the Chair just a few minutes before on account of the importance of leaving on a midnight train, it being impossible for the transaction of any other business.

#### THANKING THE PRESS.

By Senator Hudspeth:

Resolved, That a vote of thanks be extended to the reporters of the press for the fair and impartial manner in which they have reported the proceedings of this Legislature, and that a further vote of thanks be given Colonel Tom Perkins of the McKinney Gazette, Senator McNealus of the Dallas Democrat and Rev. Henry Terrell of the West News for their valuable papers made a present to the members.

The above resolution was read and adopted:

#### BILLS SIGNED.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 52, A bill to be entitled "An Act to create the Riviera Independent School District known as Common School District No. 20, in Nueces county, Texas, to provide for the election of trustees, for the raising of revenue, issuing, building and maintaining school houses, maintaining public free schools, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and declaring an emergency."

Senate bill No. 11, A bill to be entitled "An Act to provide for the adoption of a system of uniform text books in this State, and the appointment of a Text Book Board for such purpose; to authorize the adoption of other books; and to provide for a Board of Revision to keep the adopted books revised and up-to-date; to prohibit lobbying before the Text Book Board by legal and special representatives of authors or publishers; to prescribe rules and regulations for the Board in entering into contracts on behalf of the State; to prescribe penalties for violations of the provisions of this Act; to provide for the enforcement of contracts entered into, and to make an appropriation to carry into effect the pro-

visions hereof, and declaring an emergency."

Senate bill No. 25, A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas, to fix the times for holding the terms of district court therein; to make all process heretofore issued as well as all bonds and recognizances heretofore entered into conform thereto; and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

House bill No. 54, A bill to be entitled "An Act granting to the municipal authorities of Austin, Texas, the right to establish, operate and maintain a free public library upon a tract of land consisting of 207x128 feet out of the eastern portion of the north half of block 101 in the city of Austin, Texas, and changing the designation upon the map of the city of Austin of said tract of land from 'church' to 'public free library purposes.'"

House bill No. 47, A bill to be entitled "An Act incorporating and creating the Rylie Independent School District of Dallas county, Texas, for free school purposes only; defining its boundaries and providing for the election of a board of trustees; for the raising of revenue by taxation, issuing bonds for raising money for building purposes, and for maintaining public free schools therein, vesting the property of the Rylie School District in said Rylie Independent School District, and vesting said district and the board of trustees thereof, with all the rights, powers privileges and duties conferred and imposed by general laws upon independent school districts, and the board of trustees thereof formed by the incorporation of a town or village for free school purposes only under the general laws, and declaring an emergency."

House bill No. 31, A bill to be entitled "An Act to amend an Act entitled 'An Act to grant a new charter to the city of Dallas, Dallas county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency,' approved April 13, 1907, by amending thereof Subdivision 5 of Section 2 of Article 2, and Section 2 of Article 2, by adding to said Section 2, Subdivision 10, and amending Subdivision 4 of Article 6, and Subdivision "q" of Section 1, of Article 10, of

said Act, relating to the issuance and ratification of bonds of the city of Dallas, and declaring an emergency."

House bill No. 17, A bill to be entitled "An Act to create a State Normal School Board of Regents for the State Normal Schools for white teachers in the State of Texas; to provide for the appointment of said Board; to define its duties and powers, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 45, A bill to be entitled "An Act to amend Section 2, Article 4, and Section 93, Article 4, of Chapter 6 of the Acts of the Twenty-fourth Legislature, entitled an Act to incorporate the city of Sherman, in Grayson county, Texas, and fixing the boundary thereof, and to provide for its government and the management of its affairs so as to provide for the extension of the limits of said city, for the payment of outstanding bonds and indebtedness, and providing for improvements in said city, and declaring an emergency."

House bill No. 33, A bill to be entitled "An Act to amend Chapter 42 of an Act of the Twenty-ninth Legislature entitled 'An Act to prohibit the granting or use for railway or other purposes or any part of the tract of land in the city and county of Galveston, for seawall purposes,' by adding thereto Section 1a, authorizing and empowering Galveston county or the commissioners court of said county to convey or lease to the Board of Regents of the University of Texas on behalf of the State of Texas, for hospital purposes in connection with the John Sealy Hospital, all or any part of the tract of land acquired under said Act which lies to the north and north-westward of Avenue B, in said city, and declaring an emergency."

House bill No. 82, A bill to be entitled "An Act to amend Chapter 58 of the Special Laws of the Thirty-first Legislature as amended by Chapter 32 of the Special Laws of the Thirty-second Legislature by repealing Sections 12a, 12b, 12c, 12d, 12e, 12f, 12g and 12h, and declaring an emergency."

House bill No. 49, A bill to be entitled "An Act to create the Premont Independent School District, known as Common School District No. 29, in Jim Wells county, Texas, to pro-

vide for the election of trustees for the raising of revenue, issuing bonds, building and maintaining school houses, maintaining public free schools, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore levied, and declaring an emergency."

House bill No. 70, A bill to be entitled "An Act amending Section 2, Chapter 54 of the Special Laws of the Twenty-eighth Legislature, entitled 'An Act to create a more efficient road system for Blanco county, Texas, etc., by specifying the number of days the commissioners shall work the public roads, and fixing the compensation therefor, and declaring an emergency.'"

House bill No. 37, A bill to be entitled "An Act to amend Chapter 74 of the Acts of the Regular Session of the Thirty-second Legislature, which is entitled 'An Act to amend Chapter 35 of the Acts of the Regular Session of the Thirty-first Legislature, which chapter is entitled "An Act to fix the time for holding courts in the Forty-sixth Judicial District," so amending said chapter as to declare what counties shall compose the Forty-sixth Judicial District; to fix the time of holding court in the various counties in said district; to make the process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court as herein fixed, to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 35, A bill to be entitled "An Act to create the Robstown Independent School District, known as Common School District No. 30 in Nueces county, Texas; to provide for the election of trustees; for the raising of revenue, issuing bonds, building and maintaining school houses, maintaining public free schools, declaring valid an issue of bonds heretofore made, declaring valid maintenance tax heretofore voted, and declaring an emergency."

House bill No. 42, A bill to be entitled "An Act to change and prescribe the time for holding district court in the Sixty-fourth Judicial District of the State of Texas; to conform all writs and process from such courts to such changes, and to repeal all laws in conflict herewith."

House bill No. 27, A bill to be entitled "An Act to amend Section 6, Chapter 69, of the General Laws of the Thirty-second Legislature, passed

at the Regular Session thereof, being an Act to provide for the protection of the fish and oysters within tide water limits along the Gulf coast of this State, from the most interior point of tidewater seaward co-extensive with the jurisdiction of the State, and the fish in such fresh water lakes inland as may be owned by the State, and to provide for the sale and protection of all marl and sand of commercial value and all shells or mud-shell that may be in or upon the bottoms of any lake, bay and shallow water, and in or upon all islands, reefs and bars that may be within the limits herein defined, and the placing of said islands, lakes and bays, and the shells, or mudshells, sand and marl that may be in or upon the said islands, lakes, bays, reefs and bars under the jurisdiction and control of the Game, Fish and Oyster Commissioner for the purpose of selling and protecting the said shells, or mudshells, marl and sand; and providing that the proceeds arising from the sale of said shells, mudshells, marl and sand, shall be credited to the Fish and Oyster Fund, and be expended in the execution of this Act and in establishing fish hatcheries on the coast or elsewhere and in locating oyster beds, and reserving fresh water lakes from sale, and providing penalties for the violation of this Act, and appropriating to certain funds the proceeds from sale and fines arising under this Act, and declaring an emergency."

House bill No. 39, A bill to be entitled "An Act creating the Cuero Independent School District, in DeWitt county, defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; divesting the city of Cuero of the control of its public free schools and the title of all property now held and used for public school purposes; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the General Laws, and declaring an emergency."

House bill No. 48, A bill to be entitled "An Act to create a more efficient road law for Houston county, making the county commissioners ex officio road supervisors, defining their duties, fixing their salaries, and declaring an emergency."

House bill No. 51, A bill to be entitled "An Act creating the Bishop

Independent School District in Nueces county, Texas; defining its metes and bounds, providing for a board of trustees therefor, for raising revenue, issuing bonds, vesting it with the rights, powers and duties of districts incorporated for school purposes only under general laws of the State of Texas, and declaring an emergency."

House bill No. 83, A bill to be entitled "An Act to create the Buda Independent School District known as Common School District No. 10 in Hays county, Texas; to provide for the election of trustees, for the raising of revenue, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore levied, providing for the officers of the school board, the governing of said district, and declaring an emergency."

House bill No. 10, A bill to be entitled "An Act to apportion the State of Texas into Senatorial Districts and declaring what counties shall constitute each Senatorial District."

House bill No. 50, A bill to be entitled "An Act to create the Agua Dulce Independent School District known as Common School District No. 25, in Nueces and Jim Wells counties, Texas; to provide for the raising of revenue, issuing bonds, building and maintaining school houses, maintaining public free schools, declaring a maintenance tax heretofore levied, and declaring an emergency."

Senate bill No. 33, A bill to be entitled "An Act to authorize and empower Wichita county or any political subdivision of said county, by a vote of a two-thirds majority of the resident property taxpayers, qualified thereof, voting therefor, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating, macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

Senate bill No. 58, A bill to be entitled "An Act to authorize and empower Robertson county or any political subdivision of said county by a vote of a two-thirds majority of the

resident property tax payers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision of such county, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work.

Senate bill No. 48, A bill to be entitled "An Act to amend an Act entitled 'An Act to authorize and empower Lamar county or any political subdivision of said county by a vote of a two-thirds majority of the resident property tax payers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work; and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature, creating a special road law for Lamar county, approved March 17, 1909, and declaring an emergency,' passed at the Third Called Session of the Thirty-first Legislature, and approved August 17, 1910, by adding thereto Sections 40, 41, 42 and 43, providing a method of making up the tax rolls of Lamar county, providing for the deposit and disbursements of the funds under said Act, providing regulations for traffic on said roads, and declaring an emergency."

Senate bill No. 21, "An Act creating the Lakeview Independent School District, in Hall county, Texas."

Senate bill No. 22, A bill to be entitled "An Act to amend Section 26 of the special act passed at the Regular Session of the Thirtieth Legislature of the State of Texas, entitled 'An Act to incorporate the city of

Tyler, in Smith county, Texas, and to define its boundaries, etc."

Senate bill No. 41, A bill to be entitled "An Act to amend Article 5, Section 1, of the charter of the city of Dallas, and providing for the purchase by the Board of Education of said city of books, text books and supplies, used in said city schools in all grades up to and including the seventh grade, and for the furnishing of such books so purchased for the free use of the pupils in such grades."

Senate bill No. 43, A bill to be entitled "An Act to amend Section 71f of the Charter of the City of Galveston, authorizing the Board of Commissioners of the city of Galveston to issue the bonds of said city of Galveston to the amount of one hundred and twenty-five thousand dollars, payable not more than fifty years after date, and bearing interest payable semi-annually at a rate of not to exceed five per cent per annum; said bonds not to be sold or otherwise disposed of at less than par, and their proceeds to be used and expended exclusively for raising and filling to grade the avenues, streets, sidewalks, alleys, lots and block in said city of Galveston, situated between Thirty-third street and Forty-fifth street and Broadway and Avenue H, so as to provide for the application of any balance remaining from the proceeds of the sale of said bonds heretofore or hereafter made after the performance of said work, and to require the expenditure of such balance in filling and raising to grade the avenues, streets, sidewalks, alleys, lots and blocks in said city of Galveston, situated between Thirty-third street and Forty-fifth street and Avenue H and Post Office street."

Senate bill No. 40, A bill to be entitled "An Act to amend the charter of the city of Longview, entitled 'An Act to incorporate the city of Longview and to grant it a new charter, to define its powers and to prescribe its duties,' etc., and to declare an emergency."

Senate bill No. 60, A bill to be entitled "An Act to change and prescribe the time for holding district court in the Fifty-fourth Judicial District of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

Senate bill No. 50, A bill to be entitled "An Act to amend 'An Act to

grant a new charter to the city of Houston, Harris county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency,' passed by the Twenty-ninth Legislature of the State of Texas on the 28th day of March, 1905, by adding thereto an article to be known as Article 4a, providing for the improvement of highways in the city of Houston by filling, grading, raising, paving or repaving the same with any permanent or durable materials, or by the construction, reconstruction or repair of curbs and gutters, and laying out, opening, widening, narrowing, straightening or otherwise establishing, defining or locating any such highways or sidewalks, and providing for the payment of the cost of making such improvements, and for the making thereof upon petitions of property owners, and for the assessment of part of the cost of such improvement upon owners of property abutting thereon and their property, and upon owners of street railways and steam railroads occupying such highways and their property, and providing for notice and hearing to owners of such abutting property concerning such assessments, and providing for the enforcement and collection of such assessments, and providing that this amendment shall be referred to the qualified property taxpaying voters of the city of Houston for adoption before becoming effective, and declaring an emergency.

Senate bill No. 12, A bill to be entitled "An Act to regulate proceedings upon applications for writs of error from Courts of Civil Appeals to the Supreme Court."

Senate bill No. 20, A bill to be entitled "An Act to authorize and empower the Board of Regents of the University of Texas to acquire by purchase or condemnation for the use and benefit of the University of Texas such lands within the counties of Travis and Galveston as they may deem expedient for sites on which to erect and maintain buildings, and for the extension of the campus and other purposes in the conduct of the said University, and declaring an emergency."

Senate bill No. 66, A bill to be entitled "An Act creating an independent school district in the counties of Lavaca, Colorado, Wharton and Jackson, State of Texas, and to be known

as Provident City Independent School District, and to have all the powers, rights and duties of independent school districts formed for the incorporation of towns and villages for free school purposes, and declaring an emergency."

(Signed by President Pro Tem. Mayfield.)

House bill No. 5, A bill to be entitled "An Act to apportion the State of Texas into representative districts and to fix the number of Representatives thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 34, A bill to be entitled "An Act to create an additional criminal district court for the county of Dallas, and to prescribe the jurisdiction thereof, to fix the time for holding the terms thereof, to provide for the appointment and election of a judge thereof, and to provide for a sheriff, a clerk and attorney thereof, to limit and conform thereto jurisdiction of the criminal district court of Dallas, to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 40, A bill to be entitled "An Act to amend Section 6 of Chapter 3 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-second Legislature, and approved February 2, 1911, relative to a system of a State, county and city depositories for State, county and city funds, and defining the duties of the State Treasurer as to the acceptance of State, county, municipal, independent school district, common school district, and road improvement district bonds as collateral security for deposits made in the State depositories, repealing all laws in conflict therewith, and declaring an emergency."

House bill No. 75, A bill to be entitled "An Act to amend Section 4, of Chapter 110 of the General Laws of the State of Texas, passed by the Thirty-second Legislature at its Regular Session, said Chapter 110, entitled 'An Act to prohibit the taking, catching, killing or destroying any fish in the fresh water streams, lakes, bayous, ponds or pools within this State, by means of dynamite, giant powder or other explosives, or

by means of poisoning, liming, muddying, draining or by the use of traps, nets, seines (except minnow seines for catching bait), or by any other means except the ordinary hook and line and trot line, prescribing penalties for its violation, exempting certain counties from the provisions of Section 3 of this Act, repealing Chapter 75 of the General Laws of the Regular Session of the Thirtieth Legislature, and Chapter 49 of the General Laws of the Thirty-first Legislature, and all other laws in conflict with the same, and declaring an emergency,' by taking Fayette county out of the exemption included in said Section 4."

#### SINE DIE ADJOURNMENT.

The Chair, Lieutenant Governor Davidson, at 12 o'clock, midnight, August 29, 1911, by the authority vested in him by the Constitution of the State of Texas, pronounced the Senate of the First Called Session of the Thirty-second Legislature adjourned sine die.

#### APPENDIX.

Austin, Texas, Aug. 30, 1911.

Received of A. B. Davidson, President of the Senate, Enrolled Senate bills Nos. 65 and 71, which were not signed on account of there being no quorum of the Senate, which prevented the transaction of any business.

CLYDE D. SMITH,  
Secretary of the Senate.

Following are the House bills that died on the president's table:

House bills Nos. 44, 77, 30, 90, 55, 81, 89, 57, 76, 61, 87, 53, 58, 66.

Received from Hon. A. B. Davidson, Lieutenant Governor, the above number of bills.

BOB BARKER,  
Chief Clerk House of Representatives.

#### (Floor Report.)

Austin, Texas, Aug. 29, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 2, to whom was referred

House bill No. 75, A bill to be entitled "An Act to amend Section 4 Chapter 110 of the General Laws of the State of Texas, passed by the

Thirty-second Legislature at its Regular Session, said Chapter entitled 'An Act to prohibit the taking, catching, killing or destroying any fish in the fresh water streams, etc.' "

Have had the same under consideration, and we beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Hudspeth, Meachum, Adams, Johnson, Cofer, Paulus, Murray, Sturgeon.

(Floor Report.)

Austin, Texas, Aug. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

House bill No. 87, A bill to be entitled "An Act to amend Section 5 of Chapter CLXXII of the General Laws of the State of Texas, passed by the Thirtieth Legislature (1907) at its Regular Session, approved April 24, 1907, providing for the sale of lands situated upon Mustang Island; amending said section so as to provide and direct the disposition of the proceeds of the sales of such lands heretofore or hereafter made, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Murray, Chairman; Terrell of McLennan, Carter, Greer, Ward, Hudspeth, Johnson, Astin, Adams.

(Floor Report.)

Austin, Texas, Aug. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred,

House bill No. 90, A bill to be entitled "An Act to create a more efficient road system for Frio county, Texas, and making the county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for working county convicts upon the county roads of said county; and providing for a reward to be offered for the recapture of an escaped county convict; and taxing

said reward and all actual cost of capture and delivery of said convict against the said convict, and providing for a penalty for the escape of a county convict, and providing for the amount of compensation to be allowed the road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; providing for the working of delinquent poll tax payers, residing in cities and towns as well as in the county on the road, and relieving them of the performance of said work by the payment of the sum of three dollars; providing for the ages of male persons liable to serve as overseers and to work on the public roads of the county; providing for a special road and bridge tax to be levied for Frio county; making this law cumulative of the general road laws, and in case of conflict, this Act to govern as to Frio county, and repealing the special road law, Chapter 49, Acts of 1901, as to Frio county, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Kauffman, Johnson, Perkins, Paulus.

Committee Room,

Austin, Texas, Aug. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared,

Free Conference Committee substitute for Senate bill No. 11, "An Act to provide for the adoption of a system of uniform text books in this State, and the appointment of a Text Book Board, for such purpose, to authorize the adoption of text books, and the selection and adoption of other books, and to provide for a Board of Revision to keep the adopted books revised and up-to-date, to prohibit lobbying before the Text Book Board by legal and special representatives of authors or publishers; to prescribe rules and regulations for the Board in entering into contracts on behalf of the State; to prescribe penalties for violation of the provisions of this Act; to make an appropriation to carry



into effect the provisions hereof, and declaring an emergency."

And find it correctly enrolled, and have this day, at 3:10 o'clock p. m., presented same to the Governor for his approval.

VAUGHAN, Acting Chairman.

Committee Room,

Austin, Texas, Aug. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared,

Senate bill No. 25, "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas; to fix the times for holding the terms of district court therein; to make all process heretofore issued as well as all bonds and recognizances heretofore entered into conform thereto; and to repeal all laws and parts of laws in conflict therewith; and declaring an emergency."

And find it correctly enrolled, and have this day, at 3:10 o'clock p. m., presented same to the Governor for his approval.

VAUGHAN, Acting Chairman.

Committee Room,

Austin, Texas, Aug. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared,

Senate bill No. 33, "An Act to authorize and empower Wichita county or any political subdivision of said county, by a vote of a two-thirds majority of the resident property tax payers, qualified voters of such county or political subdivision thereof, voting therefor, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

And find it correctly enrolled, and have this day, at 3:10 o'clock p. m., presented same to the Governor for his approval.

VAUGHAN, Acting Chairman.

Committee Room,

Austin, Texas, Aug. 18, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared,

Senate Concurrent Resolution No. 3, Recalling Senate bill No. 2 from the Governor for further action.

And find it correctly enrolled, and have this day, at 4 o'clock p. m., presented same to the Governor for his approval.

VAUGHAN, Acting Chairman.

(Floor Report.)

Austin, Texas, Aug. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred,

House bill No. 56, A bill to be entitled "An Act to create a more efficient road system for Wood county, Texas, and making the county commissioners of said county ex officio road commissioners, and prescribing for their compensation as such road commissioners, and providing for the working of county convicts upon public roads of said county, and fees of officers in such cases, and providing for the amount of time overseers shall allow road hands for their teams and roadwork, and providing for the payment of \$5, in lieu of road service; and providing for the working of delinquent poll tax payers on the public roads, and providing for a condemnation of land for public road purposes, and providing further making this law cumulative of the general laws, and in case of a conflict this Act to govern as to Wood county, Texas, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Weinert, Perkins, Paulus Johnson.

Committee Room,

Austin, Texas, Aug. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 71, A bill to be entitled "An Act to incorporate the city of McKinney, Texas, and to grant it a new charter; to define its power, and to prescribe its duties and liabilities; and to declare an emergency."

And find it correctly engrossed.  
COFER, Chairman.

Committee Room,  
Austin, Texas, Aug. 28, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 70, A bill to be entitled An Act to increase the limits of the Bremond Independent School District, and creating an emergency.

And find it correctly engrossed.  
COFER, Chairman.

Committee Room,  
Austin, Texas, Aug. 28, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 26, A bill to be entitled "An Act for the prevention of cruelty to animals; for the prevention of impounding same without food or water; providing for the sanitary and humane treatment of fowls and other birds; prescribing penalties; providing that agents and officers of the State Humane Society may make arrests, and may take charge of neglected, abandoned or cruelly treated animals, and destroy same under certain circumstances, and declaring an emergency."

And find it correctly engrossed.  
COFER, Chairman.

Committee Room,  
Austin, Texas, Aug. 28, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 28, A bill to be entitled "An Act to amend Chapter Seven (7) of the General Laws of the State of Texas, passed by the First Called Session of the Thirty-first Legislature, same being entitled 'An Act to authorize any county, or political subdivision, or other defined district of a county, upon a vote of

two-thirds majority of the resident property tax payers voting thereon, who are qualified electors of such county or political subdivision, or defined district of the county, to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county, or political subdivision, or defined district thereof; and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, gravel and paved roads and turnpikes, or in aid thereof, creating the office of road superintendent; providing that any county operating under a special road law may take advantage of any of the provisions of this Act,' by adding thereto Section 5a, authorizing the issuance of bonds by the entire county by a majority vote, and declaring an emergency."

And find it correctly engrossed.  
COFER, Chairman.

Committee Room,  
Austin, Texas, Aug. 28, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 24, A bill to be entitled "An Act regulating the sale of concentrated commercial feeding stuffs and the materials from which they are manufactured; defining concentrated feeding stuffs; prohibiting their adulteration, providing for their correct weighing and marking, for the collection of samples, and providing that the inspection tax and penalties collected under this act shall be used by the Dairy and Food Commissioner in the enforcement of this act, and by the Agricultural and Mechanical College, in this State, and fixing penalties for the violation of this Act; repealing Chapters 108 and 118, Acts of the Twenty-ninth Legislature, Chapter 131, Acts of the Thirtieth Legislature; Chapter 12, Acts of the Second Called Session of the Thirty-first Legislature, and Chapter 4, Acts of the Third Called Session, Thirty-first Legislature, and declaring an emergency."

And find it correctly engrossed.  
COFER, Chairman.

Committee Room,  
Austin, Texas, Aug. 29, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared,

Senate bill No. 50, A bill to be entitled "An Act to amend An Act to grant a new charter to the City of Houston, Harris County, Texas; repealing all laws or parts of laws in conflict herewith, and declaring an emergency," passed by the Twentieth Legislature of the State of Texas, on the 28th day of March, 1905, by adding thereto an article to be known as 'Article IV (a),' providing for the improvement of highways in the City of Houston by filling, grading, raising, paving or repaving the same with any permanent or durable materials, or by the construction, reconstruction or repair of curbs and gutters, and laying out, opening, widening, narrowing, straightening or otherwise establishing, defining or locating any such highways or sidewalks, and providing for the payment of the cost of making such improvements, and for the making thereof upon petitions of property owners, and for the assessment of parts of the cost of such improvement upon owners of property abutting thereon and their property, and upon owners of street railways and steam railroads occupying such highways and their property, and providing for notice and hearing to owners of such abutting property concerning such assessments, and providing for the enforcement and collection of such assessments, and providing that this amendment shall be referred to the qualified property tax paying voters of the City of Houston for adoption before becoming effective, and declaring an emergency."

And find it correctly enrolled, and have this day, at 10:30 o'clock, presented same to the Governor for his approval.

PERKINS,

Acting Chairman.

Committee Room,  
Austin, Texas, Aug. 29, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared,

Senate bill No. 12, "An Act to regulate proceedings upon applications

for the writs of error from Courts of Civil Appeals to the Supreme Court."

And find it correctly enrolled, and have this day, at 9:20 o'clock, presented same to the Governor for his approval.

PERKINS,

Acting Chairman.

Committee Room,  
Austin, Texas, Aug. 29, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared,

Senate bill No. 66, "An Act creating an independent school district in the counties of Lavaca, Colorado, Wharton and Jackson, State of Texas, to be known as Provident City Independent School District, and to have all the powers, rights and duties of Independent School Districts; formed by the incorporation of towns and villages for free school purposes, and declaring an emergency."

And find it correctly enrolled, and have this day, at 9:20 o'clock, presented same to the Governor for his approval.

PERKINS,

Acting Chairman.

Committee Room,  
Austin, Texas, Aug. 29, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared,

Senate bill No. 20, "An Act to authorize and empower the Board of Regents of the University of Texas to acquire by purchase or condemnation for the use and benefit of The University of Texas such lands within the counties of Travis and Galveston as they may deem expedient for sites on which to erect and maintain buildings, and for the extension of the campus and other purposes in the conduct of the said University, and declaring an emergency."

And find it correctly enrolled, and have this day, at 9:20 o'clock, presented same to the Governor for his approval.

PERKINS,

Acting Chairman.

Committee Room,  
Austin, Texas, Aug. 29, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared,

Senate bill No. 43, "An Act to amend Section 71F of the charter of the City of Galveston, authorizing the Board of Commissioners of the City of Galveston, to issue bonds of said City of Galveston, to the amount of one hundred and twenty-five thousand dollars, payable not more than fifty years after date and bearing interest payable semi-annually at a rate of not to exceed five per cent per annum, said bonds not to be sold or otherwise disposed of at less than par, and their proceeds to be used and expended exclusively for raising and filling to grade the avenues, streets, sidewalks, alleys, lots and blocks in said City of Galveston, situated between Thirty-third street and Forty-fifth street and Broadway and Avenue H, so as to provide for the application of any balance remaining from the proceeds of the sale of said bonds heretofore or hereafter made after the performance of said work, and to require the expenditure of such balance in filling and raising to grade the avenues, streets, sidewalks, alleys, lots, blocks in said City of Galveston, situated situated between Thirty-third street and Forty-fifth street and Avenue H and Postoffice street."

And find it correctly enrolled, and have this day, at 9:20 o'clock, presented same to the Governor for his approval.

PERKINS,

Acting Chairman.

Committee Room,

Austin, Texas, Aug. 29, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared,

Senate bill No. 40, "An Act to amend the charter of the City of Longview, entitled An Act to incorporate the City of Longview, and to grant it a new charter, to define its powers and to prescribe its duties and liabilities, and to declare an emergency, as passed by the Thirty-second Legislature of Texas, by amended Sections 2, 8, 9, 15, 72, 73, 75 and 189, and to add Sections 40a and 80a; to correct the metes and bounds of said corporation limits, and validating certain bonds, and declaring an emergency."

And find it correctly enrolled, and have this day, at 9:20 o'clock, presented same to the Governor for his approval.

PERKINS,

Acting Chairman.

Committee Room,

Austin, Texas, Aug. 29, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared,

Senate bill No. 41, "An Act to amend Article 5, Section 1, of the charter of the City of Dallas, and providing for the purchase by the Board of Education of said city of books, text books and supplies used in said city schools in all grades up to and including the seventh grade, and for the furnishing of said books so purchased for the free use of the pupils in such grades."

And find it correctly enrolled, and have this day, at 9:20 o'clock, presented same to the Governor for his approval.

PERKINS,

Acting Chairman.

Committee Room,

Austin, Texas, Aug. 29, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared,

Senate bill No. 21, "An Act creating the Lakeview Independent School District in Hall County, Texas, providing for a board of trustees in said independent school district, and conferring upon said district and its Board of Trustees all of the rights, powers, privileges and duties now conferred and imposed by the general laws of the State upon independent school districts and the board of trustees thereof, and declaring an emergency."

And find it correctly enrolled, and have this day, at 9:20 o'clock, presented same to the Governor for his approval.

PERKINS,

Acting Chairman.

Committee Room,

Austin, Texas, Aug. 29, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared,

Senate bill No. 48, "An Act to amend An Act entitled 'An Act to authorize and empower Lamar County or any political subdivision of said county by a vote of a two-thirds majority of the resident property tax payers,

qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turn-pikes, and prescribing ways and means of conducting and supervising said work; and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature, creating a special road law for Lamar County, approved March 17, 1909, and declaring an emergency,' passed at the Third Called Session of the Thirty-first Legislature, and approved August 17, 1910, by adding thereto Sections 40, 41, 42 and 43, providing a method of making up the tax rolls of Lamar County, providing for the deposit and disbursement of the funds under said act, providing regulations for traffic on said roads, and declaring an emergency."

And find it correctly enrolled, and have this day, at 9:20 o'clock, presented same to the Governor for his approval.

PERKINS,  
Acting Chairman.

Committee Room,  
Austin, Texas, Aug. 29, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared,

Senate bill No. 22, "An Act to amend Section 26 of a special act passed at the Regular Session of the Thirtieth Legislature of the State of Texas, entitled 'An Act to incorporate the City of Tyler, in Smith County, Texas, and to define its boundaries and provide for its government and the management of its affairs,' approved April 18, 1907, amending said Section 26 so as to provide that the aggregate amount of bonds issued by said city for all purposes authorized by law, including the bonded indebtedness of said city existing prior to the passage of this Act, shall at no time exceed the sum of \$200,000.00, and the sum of \$50,000.00 additional, such addi-

tional sum of \$50,000.00 to be issued only for the purpose of erecting or repairing public free school buildings of said city; and in other respects re-enacting said Section 26, providing for the government of said city and the management of its affairs, authorizing the city council of said city to borrow money on the credit of the city and to issue bonds therefor and provide for their payment, prescribing the rate of interest on such bonds and for the investment of the sinking funds of the bonds of said city for funding of the indebtedness of said city, and prescribing the powers of the city council of said city, and omitting from said Section 26 of said charter the provision now contained therein authorizing the city council of said city to restrain, punish, regulate, control, license and locate houses of prostitution or assignation and keepers and inmates thereof, and to regulate, punish and control gambling, keepers of games, gambling houses and those who bet on games and gambling devices.

"Whereas, due notice has been given and published by the City of Tyler, Texas, of its intention to apply to this Legislature for the enactment of this Act, in compliance with Section 57 of Article 3 of the Constitution of this State and the laws of this State, therefore."

And find it correctly enrolled, and have this day, at 9:20 o'clock, presented same to the Governor for his approval.

PERKINS,  
Acting Chairman.

Committee Room,  
Austin, Texas, Aug. 29, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared,

Senate bill No. 71, "An Act to incorporate the City of McKinney, Texas, and to grant it a new charter; to define its powers and to prescribe its duties and liabilities; and to declare an emergency."

And find it correctly enrolled, and have this day, at 9:20 o'clock, presented same to the Governor for his approval.

PERKINS,  
Acting Chairman.

**REPORT FROM ATTORNEY  
GENERAL.**

Attorney General's Department,  
State of Texas,

Austin, Texas, Aug. 24, 1911.

Hon. A. B. Davidson, Lieutenant  
Governor, Capitol.

Dear Sir: In compliance with the  
concurrent resolution passed at the  
Regular Session of the Thirty-second  
Legislature calling upon this Depart-

ment to make an investigation into  
the books and affairs of numerous  
electrical corporations and to report  
back to the Legislature at my earli-  
est convenience, I beg to submit here-  
with a report of my investigation  
and request that you place same be-  
fore the Senate for its information.

Yours very truly,

JEWEL P. LIGHTFOOT,  
Attorney General.

Note—The report of the Attorney  
General is not shown here.